



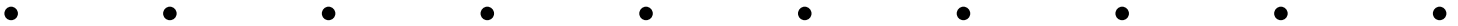
Idaho Transportation Department



Access Management:

Standards and Procedures for

Highway Right-of-Way Encroachments



March 2002

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I. Introduction

1.1 Purpose

This document provides standards and procedures necessary to regulate and control access to and encroachments within State highway rights-of-way. This document also defines the classification of access control and identifies the requirements, standards, and procedures for encroachment permits on State highway rights-of-way.

Standards are needed to protect public health, safety, and welfare; to maintain smooth traffic flow while providing access to destinations; to maintain and protect the integrity of the design and construction of the State Highway System; and to maintain and protect the functional level of the State Highway System while meeting transportation needs and interests of adjoining land development.

The efficiency and safety of highways are directly related to the number of roadside obstacles presented to the motorist. The lack of adequate access management through unregulated highway encroachments such as landscaping, irrigation, memorials, signs, mailboxes, and utilities, and the proliferation of private approaches and other direct access points to the State Highway System, are major contributors to highway collisions and the functional deterioration of highways. As new access points are constructed, traffic signals erected, and improvements added within the roadway prism, congestion and obstacles increase, resulting in decreased motorist speed and highway capacity. Consequently, significant amounts of tax dollars are spent to widen or construct new highways and provide additional operational and safety measures. Although highway-frontage property owners and utilities have certain rights of access to, and encroachment within, State highway rights-of-way, the traveling public also has the right to expect safe roads, freedom of movement, and the efficient expenditure of highway funds.

The establishment of a sound access management policy enhances the development of a safe and efficient transportation system by providing a reasonable balance between transportation services and land development access needs. Access management preserves the traffic carrying capacity and postpones costly reconstruction and relocation of the State Highway System. It minimizes congestion and collisions, the travel time for the delivery of goods and services, adverse impacts on the environment, and promotes sustainable community development along with easy movement to destinations.

Access management includes:

- limiting the number of conflict points;
- regulating the spacing and design of approaches, turnouts, and intersections, medians and median openings, and traffic signals and interchanges;

- regulating the encroachment within State highway rights-of-way for signs, memorials, and decorations, urban improvements, landscaping, farming, and irrigation, and turnouts and parking facilities; and
- regulating the encroachment within State highway rights-of-way for utility installations, adjustments, relocations, removals, and maintenance.

1.2 Authority

RULE NO. 39.03.42 of the IDAHO TRANSPORTATION DEPARTMENT establishes the following:

- Idaho Code Sections 40-310(9), 40-311(1), 40-313(2), 40-321, 40-2319, 49-202(19), (23) and (28), and 49-221 give the Idaho Transportation Board authority to control encroachments within State Highway System rights-of-way.

RULE NO. 39.03.43 of the IDAHO TRANSPORTATION DEPARTMENT establishes the following:

- Idaho Code Sections 40-312(3) and 67-5203 give the Idaho Transportation Board authority to regulate utilities within State Highway System rights-of-way.

In addition, 23 CFR 620, 23 CFR 771.177 and 23 U.S.C. 111 give the Federal Highway Administration (FHWA) a key role in managing access on federal-aid roadway systems.

1.3 Who Needs a Permit to Encroach Within State Highway Rights-of-Way?

Any individual, business, or other entity planning to add, modify, relocate, maintain or remove an encroachment on the State highway, or encroach within State highway rights-of-way for any purpose other than normal travel, must obtain a permit to encroach within the State highway right-of-way unless such encroachment has been established under a cooperative agreement. Permits are required for private and public approaches (driveways and streets), utilities, and other miscellaneous encroachments.

Encroachments may be permitted through the establishment of a cooperative agreement between the Department and another agency and normally specify the construction, maintenance, and/or operation requirements of those facilities.

In an emergency, the District Engineer, in advance of processing the permit application, may grant a temporary permit to encroach within State highway rights-of-way. For more information about the State highway right-of-way encroachment permit process see section III, Permit Process.

SPECIAL NOTE: The Idaho Transportation Department cannot approve encroachments upon railroad rights-of-way. Applicants must contact the appropriate railroad official.

1.3.1 Approach & Utility Encroachment Permits

An approved State highway right-of-way encroachment permit is required for all residential, commercial, and agricultural approaches, as well as for public approaches to the State Highway System.

All utility encroachments, including new utility installations, and the relocation, maintenance, modification, or removal of existing utility facilities shall require a current approved State highway right-of-way encroachment permit. For general maintenance and emergency repair permits, [see section 3.11, Utility Encroachments](#).

1.3.2 Miscellaneous Encroachment Permits

Miscellaneous encroachments within the State highway rights-of-way, other than approaches and utilities, require approved encroachment permits and include, but are not limited to new, additional, removal, maintenance, or change in design or use of:

- Temporary signs, banners, and decorations for local seasonal events;
- Memorials;
- Benches, planters, and other structures in urban areas;
- Overhanging displays, canopies, and marquees;
- Landscaping and fences;
- Irrigation and drainage facilities;
- Agricultural practices;
- Mailboxes, mailbox stands, and mailbox turnouts;
- Recreational activities parking facilities;
- Park and ride lots; and
- School bus turnouts.

For more information about the miscellaneous encroachment permit process, refer to [sections 3.8 Applications for Temporary Encroachments](#) and [3.12, Applications for Other Encroachments](#).

1.3.3 Special Events on State Highways

A special event is an activity conducted on, or adjacent to, the State Highway System where:

- The activity is expected have impacts to the state highway rights-of-way or traveled way for a period of time not to exceed two (2) weeks. Special Events that recur annually must obtain a new special event permit for each occurrence. Special events that recur on a more frequent basis may be addressed in a single Special Event permit that covers a fiscal year period from July 1 through June 30 of the following year. A new approved special event permit will be required prior to the allowance of the special event on or adjacent to the State Highway System for the next fiscal year.
- The participants intend to proceed or conduct themselves on the State highway without complying with the direction of traffic control devices or the rules of the road, as set out in Idaho Code; or
- Special traffic control may be required, such as flaggers, escort vehicles, special signing, or peace officer supervision, and control for the safe movement of highway traffic; or
- The closing of a portion of the traveled way to the general public may be required; or
- The potential exists to interfere with the normal movement of traffic on the State highway or create a hazard within the State highway right-of-way to the participants, traveling public, or the public in general; or
- An activity which occurs outside the traveled way, but occurs within the State highway right-of-way, involves the encroachment within State highway facilities for non-transportation related purposes, and has the potential to slow, disrupt, or interfere with the normal flow of traffic on the State highway.

Special events shall not be permitted unless an approved special event agreement is granted by the Idaho Transportation Department and the event organizers and participants have complied with all requirements of the Special Event Agreement.

The special event permitting process is covered under ITD Administrative Policy A-12-02, “Special Events on State Highways”. Contact an ITD District office to apply for an agreement application.

1.3.4 Safety Rest Area Activities

Activities in safety rest areas on State highway rights-of-way that may be permitted are covered under IDAPA 39.03.50, “Safety Rest Areas”, ITD Administrative Policy A-05-14, “Safety Rest Areas”, and A-05-27, “Volunteer Activities”. Contact an ITD District office to apply for an agreement application.

1.3.5 Memorials

Memorials that may be permitted within the State highway right-of-way include traffic accident memorials and Blue Star memorials. The permitting process for each of these types of memorials is covered in the ITD Traffic Manual and IDAPA 39.03.63. Contact an ITD District office to apply for this type of permit.

1.3.6 Signing

Special permits are required for all outdoor advertising signs. These signs could include Tourist Oriented Directional Signs (TODS) on primary and secondary State highways, LOGO signs on interstate and other fully controlled access highways, or off-premise business directional signs visible from the State Highway System. The permitting process for each of these sign types is covered under separate policies. Information regarding these and other advertising signs is available through the appropriate District office.

Information regarding all other types of State highway signing is addressed in the ITD Traffic Manual. Requests for signing should be directed in writing to the appropriate District Traffic Engineer.

1.4 Prohibited Activities and Encroachments

All right-of-way encroachments on State highways not authorized by the Department are prohibited. Pursuant to IDAPA 39.03.42, Administrative Policy A-12-02, and Idaho Code, any encroachment that endangers the safety of the motoring public shall be immediately removed by the Department. The owner shall be notified as soon as possible of the location of the prohibited encroachment and advised that the item shall be removed ([see section 3.18, Unauthorized & Non-Standard Encroachments](#)).

Activities and encroachments that are prohibited within the State highway rights-of-way include, but are not limited to:

- Mobile stores, mobile lunch wagons, or similar businesses that stop vehicles to offer for sale or sell their wares;
- Solicitation or sale of any goods or services, attempts to serve, distribute, petition, or recruit, and all associated stopping and parking of vehicles (except vending privileges in safety rest areas);
- Conduct or perform any activity which involves the attachment of any device to a highway structure or which impedes the normal passage of pedestrians or vehicles, or otherwise affects the safety of highway users.
- Conduct or perform any activity that is prohibited by statute or a traffic control device.

- The storage of any substance, equipment, or material;
- The abandonment of vehicles or other large objects;
- Servicing, refueling, and repairing of vehicles, except for emergencies;
- Permanent, temporary, or mobile structures, manned or unmanned;
- Any obstruction that creates a traffic hazard, including trees, shrubbery, fences, walls, non-standard mailbox stands, or other appurtenances; or
- Signs or displays that resemble, hide, or because of their color, interfere with the effectiveness of traffic signals and other traffic control devices.
- The placement of portable objects or signs (material or copy), displays, or other unapproved highway fixtures;
- Election posters: Idaho Code 18-7029 allows election posters to be placed on utility poles within the highway right-of-way and on private fences that border the right-of-way if written permission is granted by the owner. Verifying the granting of permission by the owner has proven to be an insurmountable task, therefore the Department's policy shall be as follows:

Election posters shall be allowed on utility poles within the right-of-way and on private fences bordering the right-of-way without proof of permission. They shall only be removed upon the receipt of a complaint from the owner or upon the lapse of a 10 day grace period after the end of the elections. All other locations of election posters and any other encroachment within the highway right-of-way shall be considered an illegal encroachment unless approved on a Department encroachment permit. All illegal encroachments should be removed as addressed in the current access management policy or by following guidelines set by the District Engineers.

It is suggested that the District Engineer or his designee notify the local governmental entity responsible for registering candidates for public office and give them written notice of the Department's policy on election posters. Notice of the Department's policy should be given by the governmental entity to each candidate in his registration packet to make sure all candidates are aware of the proper placement and removal of election posters.

See section 3.12, Applications for Other Encroachments, regarding miscellaneous encroachments that may be permitted.

1.5 Definitions

Words and phrases used throughout this document are defined as follows (refer to [Figures 1.5.1, Illustration of Definitions Applying to Curb and Gutter Sections](#), and [1.5.2, Illustration of Definitions Applying to Sections Without Curb and Gutter](#)):

AM/PM PEAK HOUR – The one hour period (either in the morning or the evening) with the highest volume of vehicles.

ABANDONED VEHICLE – Any vehicle observed by an authorized officer or reported by a member of the public to have been left within the limits of any highway or upon the property of another without the consent of the property owner for a period of 24 hours or longer. A vehicle shall not be considered abandoned if its owner-operator is unable to remove it from the place where it is located and has notified a law enforcement agency and requested assistance.

ACCELERATION LANE – A speed-change lane, including taper, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge with through traffic.

ACCESS – The ability to enter or leave a public highway or highway right-of-way from an abutting private property or another public highway.

ACCIDENT MEMORIAL -- In accordance with Title 49-1316, Idaho Code, relatives or friends of a person killed in a traffic accident upon a state highway may apply for a permit to erect a memorial in memory of the decedent. See I.D.A.P.A 39.03.63, Rules Governing Traffic Accident Memorials.

ACTUAL COSTS – As used in this manual, includes wages (loaded rate), equipment costs, travel, subsistence, and other expenses incurred to review plans, and to inspect construction and completion of approaches, utilities, and other encroachments.

ADT – Average Daily Traffic. The total volume of traffic during a given time period in whole days greater than one (1) day and less than one (1) year divided by the number of days within that time period.

AGRICULTURAL PRACTICES – Any activity associated with crops, including seed.

APPLICANT – Agency, owner, or an authorized representative of the property or utility facility applying for a permit to encroach within State highway rights-of-way.

APPRAISAL – A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of monetary value for a specific property, for a specific use, as of a specific date, supported by the presentation and analysis of relevant market information.

APPROACH –A connection between the outside edge of the shoulder or curb line and the abutting property at the highway right-of-way line, intended to provide access to and from said highway and the abutting property (see Figures 1.5.1 and 1.5.2). An approach may include a driveway, alley, street, road, or highway.

APPROACH FLARE – The approved radius connecting the edge of the approach to the edge of the highway (see Figure 1.5.2). The term “approach radius” is interchangeable with “approach flare”.

APPROACH STATION – All approaches, except a rural public approach, are stationed at a point at the back of curb or edge of pavement offset perpendicular to the roadway centerline station. The approach station denotes the center of the approach and is referenced as the roadway centerline station and distance offset to the back of curb or edge of pavement. For a rural public approach, the approach station is at a point where the centerline of the approach, when extended, intersects with the roadway centerline. (See Figures 1.5.1 and 1.5.2)

APPROACH TRANSITION – The area from the edge of an urban approach sloped to match the curb and border area elevations (see Figure 1.5.1). The term “approach apron” is interchangeable with “approach transition”.

APPROACH SKEW ANGLE – For all approaches, the angle of deflection between a line perpendicular to the highway centerline and the approach centerline (see Figures 1.5.1 and 1.5.2).

APPROACH WIDTH – The distance between the outside edges of the approach measured perpendicular to the approach centerline along the curb line or the edge of pavement, excluding flares, transitions, and radii (see Figures 1.5.1 and 1.5.2).

AASHTO – The American Association of State Highway and Transportation Officials. A national committee established to formulate and recommend highway engineering policies.

AUTHORIZED REPRESENTATIVE – Any applicant, other than the owner, having notarized written verification signed by the owner giving authorization to act on the owner’s behalf.

AUXILIARY LANE – The portion of the roadway adjoining the traveled way used for speed change, turning, storage for turning, weaving, truck climbing, and other purposes supplementary to through-traffic movement.

BACKFILL – Approved material used to replace excavated material.

BOARD – The Idaho Transportation Board, as established by Title 40, Chapter 3, of the Idaho Code.

BORDER AREA – The area between the outside edge of the shoulder or back of curb and the highway right-of-way line (see [Figure 1.5.2](#)).

BORING – Rotary drilling into the earth with the purpose of inserting a conduit or casing in the bore.

BOULEVARD APPROACH – A two-way approach intended for high ADT volumes of large commercial vehicles, having a maximum width of 25.6 meters (84 feet) in which opposing traffic is separated by a raised 1.2 meters (4 foot) wide non-traversable median. (See [Figure 4.5.4.1](#))

BULKHEAD – A wall or closure used to contain or resist earth, water, or concrete pressure.

CAPACITY – The maximum number of vehicles that can reasonably be expected to travel along a lane of a highway during a given time period under prevailing roadway and traffic conditions (see [VOLUME](#)).

CASING – A larger pipe generally under the roadway, through pier(s), or abutment(s) of highway structures that enclose one or more utility conduits or carriers.

CHIEF ENGINEER – The Chief Engineer. The administrator of the Division of Highways for the Idaho Transportation Department, or a delegated representative.

CLEAR ZONE – An area outside the traveled way, auxiliary lanes, and shoulders that is constructed and maintained as free from physical obstructions as practical, for use as a recovery area by errant vehicles.

COLLISION – Any event that results in an injury or property damage attributed directly or indirectly to the motion of a vehicle or its load.

COLLISION RATE – The frequency of any event at a given location over a specified period of time that results in injury or property damage attributed directly or indirectly to the motion of a vehicle or its load.

COMMERCIAL APPROACH – An approach serving a business or businesses.

CONDUIT – A tube or trough for receiving and protecting electrical wires, fluids, etc.

CONFLICT POINT – An area where intersecting traffic either merges, diverges, or crosses.

CONGESTION – A restriction or interference to the normal free flow of travel. “Congestion” is directly related to [VOLUME](#) such that as traffic volumes increase, congestion increases.

CONSTRUCTION – Build new or modify existing facilities, other than maintenance.

CONTROLLED ACCESS HIGHWAY – Any highway or roadway where access to or from abutting properties is restricted by the public authority having the jurisdiction.

CORNER CLEARANCE –The distance along the curb line or outside edge of the shoulder measured from the beginning or end of the intersecting roadway flare to the nearest edge of the adjacent approach, excluding flares or transitions (see Figures [1.5.1](#) and [1.5.2](#)).

DEPARTMENT – The Idaho Transportation Department (ITD).

DIRECTOR – The director of the Idaho Transportation Department, or a delegated representative.

DISTANCE BETWEEN APPROACHES – The distance measured along the curb line or outside edge of the shoulder between the nearest edges of adjacent approaches, excluding the flares, transitions, or radii (see Figures [1.5.1](#) and [1.5.2](#)).

DISTRICT – An administrative and maintenance subdivision of the Idaho Transportation Department encompassing a particular geographical region of the State of Idaho.

DISTRICT ENGINEER – The administrator of an Idaho Transportation Department administrative district, or a delegated representative.

DRILLING – Creating a path for a casing(s) through the use of an approved mechanical method.

DRIVING – A mechanical means to forcibly install a casing without the means of drilling or boring.

EMERGENCY – As used in this manual, any unscheduled work required to correct or prevent a hazardous situation that poses an imminent threat to life or property.

ENCROACHMENT – Any authorized or unauthorized use of highway right-of-way or easements or the air space immediately above the highway right-of-way.

ENGINEER – A professional engineer licensed in the State of Idaho.

EXCHANGE DEED – A legal document of title, between the Idaho Transportation Department and the owner of real property, transferring and describing a property right (easement, usage, access, etc.).

FARMING – See [AGRICULTURAL PRACTICES](#) .

FHWA – The Federal Highway Administration, a division of the U. S. Department of Transportation.

FIBER OPTIC CABLE – A cable containing one or more glass or plastic fibers that has the ability to transmit light along its axis.

FIELD APPROACH – An approach that serves only non-residential agricultural property, including farmyards.

FIXTURE – Any sign, guard rail, bridge, tunnel, or other appurtenances placed within the highway right-of-way.

FLARE TANGENT DISTANCE – The distance of the approach radius measured along the edge of pavement (see [Figure 1.5.2](#)).

FRONTAGE – The distance measured along the highway right-of-way line between the frontage boundary lines of property that is contiguous to highway right-of-way (see [Figures 1.5.1](#) and [1.5.2](#)).

FRONTAGE ROAD – A road auxiliary to and located to the side of the highway for service to abutting properties and adjacent areas for the purpose of controlling access to the highway.

FRONTAGE BOUNDARY LINE – A line perpendicular to the highway centerline that begins at the point of intersection of the abutting property line and the highway right-of-way line (see [Figures 1.5.1](#) and [1.5.2](#)).

FULL CONTROLLED ACCESS HIGHWAY – Any section of a highway system where access is prohibited except for interchange connections.

FUNCTIONAL CLASSIFICATION – A grouping of highways by the character of service (access and mobility) they provide. These include, but are not limited to, a minor collector, major collector, minor arterial, principal arterial, and interstate as defined in the latest edition of the Highway Functional Classification Manual by the U. S. Department of Transportation, FHWA.

GOVERNMENT AGENCIES – As used in this manual, includes federal, state, county, city, or local highway jurisdictions.

GRADE SEPARATIONS – A structure separating the elevations of two or more intersecting roads above or below a highway.

HIGHWAY(S) – The entire width between the boundary lines of every main traveled way publicly maintained when any part is open to use by the public for vehicular travel, with jurisdiction extending to the adjacent property line, including sidewalks, shoulders, berms, and rights-of-way not intended for motorized traffic. The term “street” is

interchangeable with highway. Also, roads, streets, alleys, and bridges laid out or established for the public or dedicated or abandoned to the public. Highways shall include necessary culverts, sluices, drains, ditches, waterways, embankments, retaining walls, bridges, tunnels, grade separation structures, roadside improvements, adjacent lands, or interests lawfully acquired, pedestrian facilities, and any other structures, works, or fixtures incidental to the preservation or improvement of the highways. Roads laid out and recorded as highways, by order of a board of commissioners, and all roads used as such for a period of five (5) years, provided they shall have been worked and kept up at the expense of the public, or located and recorded by order of a board of commissioners, are highways.

HIGHWAY RIGHT-OF-WAY – Property rights to land generally designated for transportation purposes, open to the public, and under the jurisdiction of a Public Highway Agency.

IDAPA – The Idaho Administrative Procedures Act.

IMMINENT THREAT – Includes major traffic control deficiencies or safety situations that are likely to result in serious injury or loss of life.

INTERSTATE HIGHWAY – As identified by federal code, a part of the National System of Interstate and Defense Highway System. An FHWA-approved arterial highway, freeway, or expressway with a fully controlled access, and having medians, grade separations at cross roads, and ramp connections for entrance to and exit from the traveled way.

ITD – The Idaho Transportation Department.

JACKING – A method of providing an opening for drainage or other purposes underground, by cutting an opening ahead of the pipe and forcing the pipe into the opening by means of horizontal jacks.

JETTING – Drilling with high pressure water or air jets.

JOINT-USE APPROACH – An approach constructed at a common boundary between adjacent properties that abut the highway. A joint-use approach is equally owned and shared as common access by both property owners.

LANDLOCKED PARCEL – A parcel of land without a legal right to access.

LANDSCAPING – Any action taken to change the features or appearance of the highway right-of-way or abutting property with plants, soil, rock, and related material.

LEAN CONCRETE BACKFILL – An approved concrete mixture using cement, water, sand, and aggregate material used to replace excavated material (see the current special provision for Trenching).

LEGALLY DOCUMENTED – Documentation provided by the OWNER of an encroachment that proves the encroachment has been legally placed on the State Highway System.

LEVEL OF SERVICE – A qualitative measure describing operational conditions within a traffic stream, generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety (see **CAPACITY, CONGESTION, and VOLUME**).

LOADED RATE – As used in this manual, includes hourly wages plus the cost of associated benefits.

LOCAL AUTHORITY – See **LOCAL HIGHWAY AGENCY** .

LOCAL HIGHWAY AGENCY – Any city, county, highway district or other local board or body having authority to enact regulations, resolutions, and/or ordinances relating to traffic on the highways, highway rights-of-way, and streets within their respective jurisdiction.

LOCAL HIGHWAY JURISDICTION – A county, city, or highway district with jurisdiction over a highway system.

LOCAL ISSUING AUTHORITY – See **LOCAL HIGHWAY JURISDICTION** .

LOCAL ROAD – A city, county, or highway district highway whose primary function is to provide access to adjacent properties.

LOGO SIGNS – Signs giving specific information in the interest of the traveling public along interstate highways and other fully controlled access highways.

MAINTENANCE – The continuous work or in kind replacement that is required to keep any encroachment within the highway right-of-way from deterioration due to wear and tear, and to preserve the general character of the original improvement without alteration of any of its component factors.

MAJOR COLLECTOR – Any public highway designated as a route to provide traffic circulation and collect traffic from local roads within residential neighborhoods and commercial and industrial areas and channel it into the arterial system.

MEDIAN – The portion of a divided highway or approach that separates opposing traveled ways. Medians may be raised, flush, or depressed relative to the roadway surface, and may be landscaped or paved.

MEDIAN OPENING – A paved area bisecting opposite directions of a divided roadway that is designed to permit traffic to cross at least one direction of travel.

MEMORIAL – An object established in memory of an event or person(s).

MINOR COLLECTOR – These roads are located only in rural areas, are off the State Highway System, and are subject to local highway jurisdiction.

MINOR ARTERIAL – Any rural or urban public highway designated as a route that provides substantial corridor movement with trip length and density suitable for linking cities, counties, states, and other traffic generators.

MULTIPLE FAMILY RESIDENTIAL – A single parcel of land containing more than one residence (i.e., duplexes, apartments, trailers).

MULTIPLE LANE -- Multiple lane for the purposes of this document shall be defined as: Two or more through lanes in the same direction. The number of lanes does **NOT** include acceleration, deceleration or passing lanes unless the lanes are one-half (1/2) mile or longer. The roadway may or may not be divided.

MUTCD – The Manual on Uniform Traffic Control Devices for Streets and Highways, latest edition, as adopted by the Idaho Transportation Board in accordance with Idaho Code 49-201(3). A manual written by the Federal Highway Administration that sets national minimum standards for signing, striping, and traffic control devices.

NATIONAL HIGHWAY SYSTEM (NHS) – The system of federal-aid highways, urban and rural, designated and approved in accordance with the provisions of 23 U. S. C. 103(b).

NCHRP-350 – A National Cooperative Highway Research Program report that provides testing procedures that evaluate the safety and crash worthiness of roadway features and traffic control devices on the National Highway System and the State Highway System.

NON-STANDARD APPROACH – Any approach that does not meet Department standards.

OFFSET – A distance measured at right angles to the left or right of the highway centerline.

PARK or PARKING – As used in this manual, the temporary stopping of a vehicle, whether occupied or not, for purposes other than emergencies, unless authorized.

PARTIAL CONTROL OF ACCESS HIGHWAY – Any section of the State Highway System that has restrictions placed on any encroachment within the State highway right-of-way.

PERFORMANCE BOND – A statutory bond, issued by a surety company authorized to do business in the state of Idaho, that guarantees performance of work in accordance with permit requirements.

PERMITTEE – Person or persons, utility facilities, and other agencies granted permission to encroach within the highway right-of-way for authorized purposes other than normal travel.

PRINCIPAL ARTERIAL – Any rural or urban highway designated as a route that provides substantial corridor movement for volumes greater than minor arterial highways.

PRIVATE APPROACH – Every privately owned traveled way that is used for ingress to and egress from the highway right-of-way and an abutting property.

PROPERTY LINE CLEARANCE – The distance measured along the curb line or outside shoulder edge from the frontage boundary line to the nearest edge of the approach width, excluding flares, transitions, and radii (see Figures 1.5.1 and 1.5.2).

PUBLIC APPROACH – Any approach that serves the public without restriction and is maintained by a public agency.

PUBLIC AUTHORITY – [See PUBLIC HIGHWAY AGENCY](#) .

PUBLIC HIGHWAY – All highways open to public use in the state, whether maintained by the state or by any county, highway district, city, or other political subdivision.

PUBLIC HIGHWAY AGENCY – The state transportation department, any city, county, highway district, or any other state agency, or any federal or Indian reservation, which has jurisdiction over public highway systems and highway rights-of-way.

REASONABLE ACCESS – Whenever a parcel has a

REGIONAL ENGINEER – An ITD engineer that oversees roadway construction and/or maintenance activities. A “Resident Engineer” or “Maintenance Engineer” may be interchangeable with Regional Engineer in some Districts.

RESIDENTIAL APPROACH – A private approach serving single or multiple single-family residences.

ROADSIDE – Any area beyond the main traveled way, that may or may not be within the highway right-of-way.

ROADWAY – That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms, and other portions of the rights-of-way.

RURAL AREA – All areas outside the boundaries of an urban district.

RURAL APPROACH – An approach in a non-curb and gutter section of the public highway which may or may not be within a designated rural area (see ITD Standard Drawing H-4-A (m)).

RUSH HOUR PERIOD – An AM/PM peak that may extend beyond one (1) hour.

SAFETY REST AREA – A roadside facility located directly on the State highway right-of-way to provide convenient and safe rest and relief from the fatigue of travel.

SETBACK – The horizontal distance between the highway right-of-way line and permanent fixtures, such as gas pump islands, signs, display stands, buildings, etc., measured at right angles to the highway centerline (see Figures 1.5.1 and 1.5.2).

SIGNAL SPACING – The distance between signalized intersections measured from the center of intersection to the center of intersection.

SLIPJOINT – A mechanical device that compensates for the expansion and contraction (movement) of sections of casing or conduit when attached to a structure.

SLOPE – Slope is expressed as a non-dimensional ratio between vertical and horizontal distance. For side slopes, the vertical component is shown first, then the horizontal.

SLUICING – Moving earth, sand, gravel, etc., by flowing water.

SPEED – The rate of vehicular travel as measured in miles per hour. All speeds used in this document shall be the 85th percentile speed as determined by an engineering study. As it applies to the functional classification of a highway, in urban areas, “high” speeds are equal to or above 45 mph and “medium” speeds are 35 to 40 mph; in rural areas, “high” speeds are equal to or above 50 mph.

STATE HIGHWAY – Any highway under the jurisdiction of the Department.

STATE HIGHWAY SYSTEM – The principal highway corridors in the state, including connections and extensions through cities and roads to every county seat in the state, as approved by the Idaho Transportation Board and officially designated as a State Highway.

STATE TRAFFIC ENGINEER – The administrator of the Headquarters’ Traffic section for the Idaho Transportation Department, or a delegated representative.

STRUCTURE – Shall consist of, but not be limited to, bridges, culverts, siphons, headwalls, retaining walls, buildings, and any incidental construction not otherwise defined herein.

SUBDIVISION – A division of real property into three or more separately platted parcels.

TEMPORARY ENCROACHMENT – Any encroachment that is not approved as a permanent placement within the highway right-of-way.

THROUGH – Any highway or portion of it on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right of way to vehicles on the through highway in obedience to a stop sign, yield sign, or other traffic-control device.

TODS SIGNS – Tourist oriented directional signs for services and activities along the State Highway System except for fully controlled access facilities.

TRAFFIC – Pedestrians, bicycles, animals, vehicles, streetcars, buses, and other conveyances, either singly or together, that use the highway right-of-way for the purpose of travel.

TRAFFIC CONTROL DEVICE – Any marking or device whether manually, electronically, or mechanically operated, placed or erected by an authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

TRANSITION TANGENT DISTANCE – The distance of the approach transition measured along the face of curb (see [APPROACH TRANSITION](#) and [Figure 1.5.1](#)).

TRAVELED WAY – The portion of the roadway for the movement of vehicles, exclusive of shoulders.

TRAVEL LANE – That portion of the traveled way designated for use by a single line of vehicles.

TRENCHING – A method in which access is gained by excavation from ground level to the required level underground for the installation, maintenance, removal, or inspection of a cable, casing, conduit, or pipe. The excavation is then back filled with approved material, and the surface is then returned to a condition specified by the Department.

TURNOUTS – Roadside areas immediately adjacent to highways which may be utilized by vehicles for purposes of short-term parking or turning. They are extensions of the mainline roadway.

UNAUTHORIZED ENCROACHMENT – Any encroachment that has been placed, modified, maintained, or removed within the highway right-of-way without authorization by the Department.

URBAN AREA – Any geographical area within the city limits of any incorporated city having a population of five thousand (5,000) or more inhabitants. Population numbers referred to shall be determined by the latest United States Census.

URBAN APPROACH – An approach located within a curb and gutter section of a public highway that may or may not be within an urban area (see ITD Standard Drawing H-2-A(m)).

URBAN DISTRICT – The territory contiguous to and including any highway, which is built up with structures, devoted to business, industry, or residences.

UTILITY – Any publicly, privately, or cooperatively owned and/or operated utility facility.

UTILITY FACILITY – All privately, publicly, or cooperatively owned systems used for the production, transmission, or distribution of communications, cable television, power, electricity, light, heat, petroleum products, ore, water, steam, waste, irrigation, storm water not connected with highway drainage, and other similar items, including communication towers, guy wires, fire and police signal systems, and street lighting systems, that directly or indirectly serve the public or comprise part of the distribution systems which directly or indirectly serve the public.

UTILITY LOCATING SERVICE – Any locally or regionally recognized service that locates and maintains records of existing utility facilities.

VEHICLE – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon rails or tracks.

VISION TRIANGLE – In accordance with Idaho Code 49-221, the minimum boundary of a motorist line-of-sight required at the edge of pavement or face of curb of a public or private intersection, including railroad crossings. The term “sight triangle” is interchangeable with “vision triangle” (see [Section 4.5.6](#)).

VOLUME – As applied to the functional classification of a highway, is the number of vehicles estimated to use a certain type of travel lane during a twelve-month period (see [CAPACITY](#)). A highway with “high” volumes is at or near capacity; a highway with “medium” volumes is at or near fifty percent of capacity.

WARRANT – An evaluation of need based on an engineering study.

The use of “Shall” or “Will,” “Should,” and “May” denote the following conditions:

SHALL/WILL – A **mandatory** condition. Mandatory requirements are stipulated.

SHOULD – An **advisory** condition. Advisable, recommended usage, but not mandatory.

MAY – A **permissive** condition. No requirement is intended.

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ILLUSTRATION OF DEFINITIONS APPLYING TO CURB AND GUTTER SECTIONS

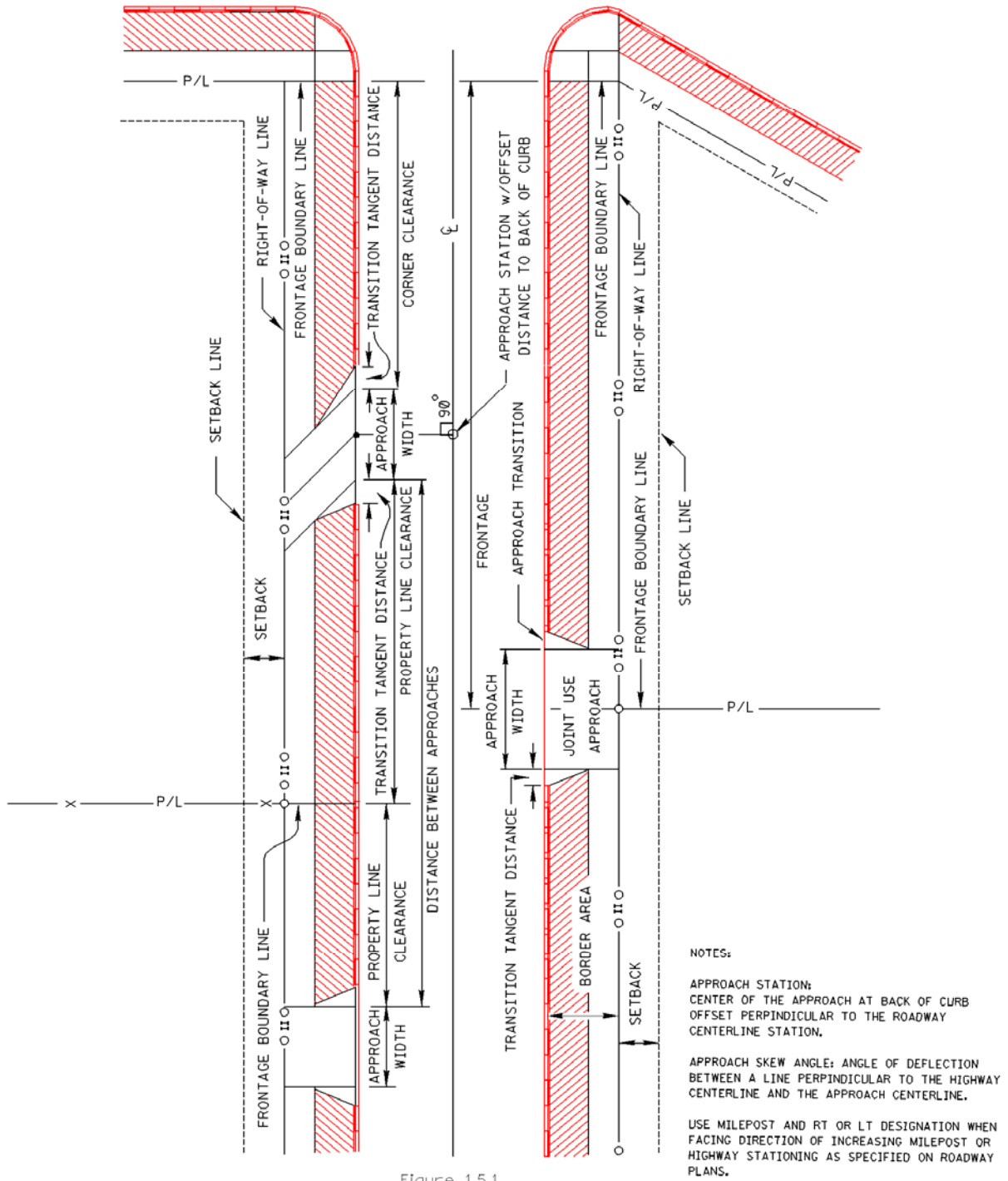
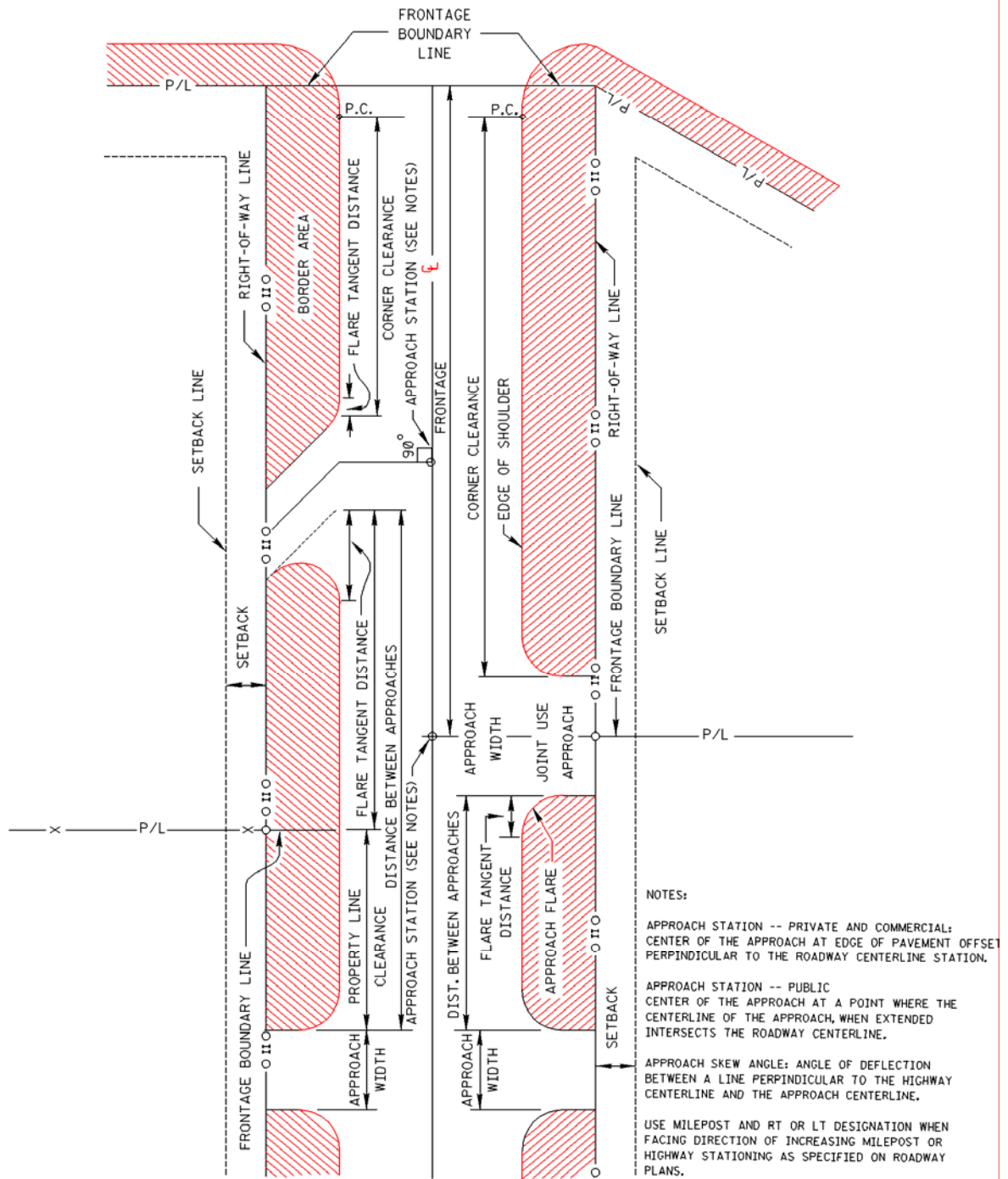


Figure 1.5.1

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ILLUSTRATION OF DEFINITIONS APPLYING TO SECTIONS WITHOUT CURB AND GUTTER



5/2000

Figure 1.5.2

II. Access Type Standards

2.1 Access Control Defined

Travel from one location to another involves movement through a network of highways. “A Policy on Geometric Design of Highways and Streets”, published by AASHTO, recognizes that within this network each highway serves a particular role, creating distinct stages of traffic circulation. These stages can be sorted into a definite hierarchy with respect to how the competing functions of mobility and access are satisfied. At the low end of the hierarchy are highways that provide good access to abutting properties but provide limited opportunity for through movement, such as local residential and commercial streets. At the high end of the hierarchy are facilities, such as the interstate highways, that provide good mobility by restricting access to other roadways.

The transition of roadway functions within this hierarchy allows for the establishment of a functional classification system. Functional classification defines and groups those highways with similar characteristics and levels of service (see [Figure 2.3.1](#)). The concept of access control is based on the functional classification of those highways. Each access control type reflects a common function that determines the restrictions and/or requirements for corresponding miscellaneous encroachments and approaches.

2.2 History of Access Control

Access control standards to regulate the travel of through traffic were established on the State Highway System in 1954 with the development of the Standard Driveway Policy. This policy was renamed Standard Approach Policies in 1956. The Standard Approach Policies established minimal requirements for approach widths, spacing between approaches, corner clearances, and property line clearances.

In 1963, under Board Policy B-125, the Idaho Transportation Board established policies for full and partial access control on the State Highway System. Fully controlled highways allowed access only by ramp connections. Partially controlled access highways established six different levels of control, indicated by the alphabetical designations “A” through “F”. The standard approach policy continued to apply to all other portions of the State Highway System not designated as a fully or partially controlled highway.

In 1976, Board Policy B-12-15 (formerly B-125) modified the classification of partial access control and modified the alphabetical designations to four types (I – IV). The policy for full access control remained unchanged until 1981 when it was renamed access control Type V. The standard approach policy continued to apply to all other portions of the State Highway System not designated as a fully or partially controlled highway. The publication “Standard Approach Policies” was renamed the “Right-of-Way Use Policy” in 1982.

By adoption of the access management standards and procedures contained herein, the State highways previously managed under five of the six existing types of access control, the standard approach policy and partial control Types I–IV, are redesignated as partial access control Types I–IV. Access control Type V continues to be designated as full control.

2.3 Access Types

The Idaho Transportation Board approves the functional classification of each State highway. Development of the functional classification of urban State highways is made through the cooperation of the local jurisdictions. The Idaho Transportation Board retains the right to change functional classifications. Applicants may obtain functional classification updates from any District office or obtain the information on the Idaho Transportation Department website.

Access Types I through V directly relate to the functional classification of a State highway. They consider the level of existing and planned roadside developments, highway characteristics such as the number of lanes and the presence or lack of a median, and traffic volumes and speeds. Each access type has its own geometric, traffic control, and spacing requirements (see section IV, Approaches: Location and Design Standards).

Changes in control of access may be effected by the following:

- The Idaho Transportation Board’s right to modify access control, reconstruct or widen the roadway, and arrange for necessary modification or closure of approaches and/or points of access.
- Urban access control developed in coordination with local authorities.
- State and Federal regulations that restricts access.

Access control on all segments of the State Highway System shall be upgraded to match the most current functional classification or meet a stricter access control designation as approved by the Idaho Transportation Board.

*** ACCESS TYPES AND THEIR
RELATIONSHIP TO FUNCTIONAL CLASSIFICATION**

| | ACCESS TYPE | RURAL FUNCTIONAL CLASS | URBAN FUNCTIONAL CLASS | |
|-------------------------|----------------|----------------------------------|---------------------------|-------------------------|
| Greater Control ↓ | I → | Minor Collector, Major Collector | | Higher Function ↓ |
| | II → | Minor Arterial | Collector, Minor Arterial | |
| | III → | Principal Arterial | Principal Arterial | |
| | IV → | Principal Arterial** | Principal Arterial** | |
| | V → | Interstate | Interstate | |

Figure 2.3.1

* Access control types may be designated by the Board regardless of current functional classification.

** All multiple lane Principal Arterials are Type IV access control. Multiple lane implies a highway with two or more through lanes in the same direction of travel. Acceleration, Deceleration and Passing Lanes are not included in the multiple lane designation unless the lanes are one-half (1/2) mile or longer. The highway may or may not be divided.

As indicated above, with the exception of access Type V, a more restrictive type of access control may be applied to a roadway section with a lower level functional class. A more restrictive control of access may occur if a section of State highway has operational characteristics similar to those found in a functionally higher class State highway.

Access Control Types may be designated by the Idaho Transportation Board, regardless of prior functional classification when there is an existing need or expectation of future growth justifies changes in access along a route. A request for a change in access control that varies from [Figure 2.3.1](#), must be prepared by the District and presented to the Board for approval.

Minor collector roadways are not listed above because these roadways are off the State Highway System, are located only in rural areas, and are subject to local highway jurisdiction access restrictions.

All rights of access shall be verified through the use of legal documents of title. Project plans do not qualify as legal documentation.

2.4 Type I (Major Collector)

Type I access control is applicable to segments of routes on the State Highway System that are functionally classified as major collectors. Major collector highway segments are in rural locations and typically have low to medium volumes with high speeds. All major collectors shall be upgraded to a minor arterial or higher class once located within an urban area. Access control types may be designated by the Board regardless of current functional classification.

Because of these generally higher speeds, roadway improvements such as auxiliary lanes may be required to provide safe access. Each approach shall meet the design considerations of **Section 4.5, Design Principles & Restrictions**.

2.5 Type II (Minor Arterial)

Type II access control is applicable to segments of routes on the State Highway System that are functionally classified as minor arterials and some selected segments of routes classified as major collectors that exhibit characteristics of minor arterials. Minor arterial highway segments typically have medium to high traffic volumes with speeds that vary from medium in urban areas to high in rural areas. Access control types may be designated by the Board regardless of current functional classification.

Public highway connections and new private approaches may be permitted at spacing in accordance with **Table 4.5.1.1**. Joint-use approaches are encouraged. As land uses change, existing approaches should be reviewed to encourage the development of frontage roads. Each approach shall meet the design considerations of section 4.5, Design Principles & Restrictions.

2.6 Type III (Principal Arterial)

Type III access control is applicable to segments of routes on the State Highway System that are functionally classified as principal arterials. Type III can also be applied to selected segments of routes on the State Highway System that are classified as minor arterials but exhibit characteristics of principal arterials. Principal arterial highway segments typically have medium to high volumes with speeds that vary from medium in urban areas to high in rural areas. Access control types may be designated by the Board regardless of current functional classification.

Public highway connections and new private approaches may be permitted at spacing in accordance with **Table 4.5.1.1**. Joint-use approaches are encouraged. As land uses change, existing approaches should be reviewed to encourage the development of frontage roads. Each approach shall meet the design considerations of **Section 4.5, Design Principles & Restrictions**.

2.7 Type IV (Principal Arterial)

Type IV access control is applicable to routes on the State Highway System that are functionally classified as Principal Arterials and are multi-lane lane OR designated by the Board as Type IV access control.

All multiple lane Principal Arterials are Type IV access control. Multiple lane for the purposes of this document shall be defined as: Two or more through lanes in the same direction. The number of lanes does **NOT** include acceleration, deceleration or passing lanes unless the lanes are one-half (1/2) mile or longer. The roadway may or may not be divided.

Public highway connections **ONLY** may be permitted at spacing in accordance with **Table 4.5.1.1**. Non-public highway connections (private or commercial approaches) are not allowed. When consolidating or eliminating approaches within Type IV access control, joint-use approaches and frontage roads are strongly encouraged.

Exceptions:

- If a property owner has [legally documented](#) access that has not been built, the approach(s) may be allowed by specific highway station, specific width and specific use as stated in the deed if their allowance does not adversely affect either the safety or operation of the highway. .
- If the specifics of the approach (station, width and type of use) are not listed in a deed or on the Department's roadway plans, the approach(s) may **ONLY** be allowed at what the historical location, width and use for the approach would have been if constructed at the time the roadway was built or the deed was signed. However, approaches will not be allowed that adversely affect either the safety or operation of the highway.

Each approach shall meet the design considerations of section 4.5, Design Principles & Restrictions.

2.8 Type V (Interstate)

Type V access control is applicable to State highways accessible only by interchanges (ramps). These highways typically include the interstate system and require FHWA approval for any change in access.

III. Permit Process

3.1 Introduction

Each District Engineer shall administer encroachments within State Highway System rights-of-way within their respective District in conformance with Department policies and applicable state and federal regulations. Access control on highways not a part of the State Highway System shall be the responsibility of the public highway agency having jurisdiction of that roadway.

Permits are required for public and private approaches (highways, roads, streets, driveways), utilities, and other miscellaneous encroachments that add or change access to the State highway, or encroach within State highway rights-of-way for any purpose other than normal travel, unless such encroachment has been established under a cooperative agreement.

SPECIAL NOTE: The Idaho Transportation Department cannot approve encroachments upon railroad rights-of-way. Applicants must contact the appropriate railroad official.

3.2 Local Agencies

The Department should coordinate with all local highway agencies to process State highway right-of-way encroachment permits and ask for their recommendations in regard to approval or denial whenever the requested permit falls within the boundaries of the local jurisdiction.

Local highway jurisdictions, transportation planning committees and local Planning and Zoning Boards should be contacted by the Department and made aware of the Department's encroachment policy. Coordination amongst all agencies will allow all parties involved to stay informed and make the processing of encroachment permits within State highway rights-of-way a smoother process.

Local highway jurisdictions, transportation planning committees and planning and zoning boards should be encouraged to contact the Department when they are first made aware of developments which may require access to the State Highway System. Local agencies should encourage developers to contact the Department to work out the requirements for access to the State Highway System prior to approval of developments that may adversely effect the safety or operations of the State Highway system.

The goals and objectives of local transportation planning committees, local highway jurisdictions, local planning and zoning boards, cities, counties and the Department should be coordinated to allow for planned growth while maintaining a statewide network of highways that is able to serve the traveling public and maintain an acceptable level of service.

3.3 Permit Numbers & Receipts

All permits to encroach within State highway rights-of-way shall be assigned a permit number consisting of the following: the District in which the application is submitted, the State fiscal year of the permit, and a sequential number (starting each year with 001). (For example, the first permit issued in District 1 for FY96 would be 1-96-001.) To ensure that an accurate permit history is established and maintained, only those permits with a proper number will be considered for approval on the State Highway System.

A single numbering system shall be used on the following: ITD-2109, Right-of-Way Encroachment Application and Permit - Approaches and Other Encroachments, ITD-2110, Right-of-Way Encroachment Application and Permit – Utilities. A record of all permits should be maintained on a log sheet comparable to the sample form Right-of-Way Access Permit Log Sheet, located in Appendix B. A current version of these forms is available at any District office.

When the Department receives a non-refundable payment for an application, a receipt shall be issued on an ITD-approved receipt form in accordance with the Department's Accounting Manual.

3.4 Fee Structure

Applications to encroach within State highway rights-of-way shall not be processed until all applicable permit fees are received. Utility companies may establish an account with the Department which would allow them to receive a monthly billing for permit processing fees. Application fees are based on the Department's cost to produce the permit and administer the program. Fees for permits are non-refundable in the event of denial of the permit by the Department or in the event the permittee fails to comply with the permit.

The permit application fees shall be as follows:

Accident Memorials:

No Charge – See ITD Rule 39.03.63 – “Rules Governing Traffic Accident Memorials”, for applicable standards and procedures.

Approaches and Other Encroachments:

(ITD-2109) *Right-of-Way Encroachment Application and Permit – Approaches and Other Encroachments*

| | |
|--------------------------------------------------------------|---------|
| Farm or Field, Type I Access Control | \$50.00 |
| Farm or Field, Type II – IV Access Control | \$75.00 |
| Single Family Residential, Type I Access Control | \$50.00 |
| Single Family Residential, Type II – IV Access Control | \$75.00 |

| | |
|----------------------------------------------------------------|----------|
| Multiple-Family Residential, Type I Access Control..... | \$50.00 |
| Multiple-Family Residential, Type II – IV Access Control | \$75.00 |
| Subdivision, Type I Access Control (No TIS Required)..... | \$50.00 |
| Subdivision, Type II - IV Access Control (TIS Required)..... | \$75.00 |
| Commercial, Type I Access Control (No TIS Required) | \$50.00 |
| Commercial, Type I Access Control (TIS Required) | \$75.00 |
| Commercial, Type II – IV Access Control (No TIS Required)..... | \$75.00 |
| Commercial, Type II – IV Access Control (TIS Required)..... | \$100.00 |
| Other Encroachments (see section 3.12) | \$ 50.00 |

Utility Permits:

INTERSTATE (Full Control of Access) - Longitudinal placement of telecommunication utilities in areas of Type V access control (Interstate), as addressed in the 1996 Telecommunications Act, shall require a permit approved by the Department for the installation of utilities. Longitudinal placement of all other utilities in areas of Type V access control (Interstate) shall require a utility permit approved by both the Department and the FHWA. Fees will be addressed at the time of application.

(ITD-2110) *Right-of-Way Encroachment Application and Permit – Utilities:*

Utility Permits – Non-Interstate (Type I – IV Access Control)
(new, modify, or relocate) \$50.00

Utility Permits – Interstate (Type V Access Control) – Fees will be addressed at the time of application

Utility Permits – Interstate and Non-Interstate (Type I – V Access Control)
(maintenance or emergency repair with no prior easement rights)..... No Charge

Utility Permits (new/modify/relocate within an ITD State highway project)..... No Charge

Miscellaneous Costs:

In addition to the permit application fee, the Department may require the applicant to pay costs associated with the following:

- Appraisal fees required for the increase in value of property associated with changes in access. Changes may include, but not be limited to: new, additional, modification in design or use, or relocation of approaches or other encroachments within the State highway right-of-way (see [section 3.10, Appraisals](#)).
- Inspection fees required to monitor and accept work done within the State highway right-of-way. This includes travel time in excess of one (1) hour. The following provision should be included with the permit to encroach within State highway rights-of-way:

Inspection special provisions: “The Idaho Transportation Department shall be reimbursed for inspection time, including a loaded payroll rate, vehicle rental cost, subsistence and other expenses incurred.” If additional inspections are required, the permittee will be billed a flat fee as determined by the District at the time the permit is issued.

- A performance bond to guarantee completion of the work in accordance with the requirements of the permit. The bond amount should be large enough to cover the costs to correct potential damage that might be caused by the permittee. The District shall ensure that the bond is executed by a surety company authorized to conduct business in the State of Idaho and incorporated into the permit file before the permittee is authorized to commence work.
- If a permanent boundary survey marker is disturbed during the performance of work associated with an approved encroachment permit, the permittee shall be held responsible for obtaining the services of a professional land surveyor licensed in the state of Idaho to replace the permanent boundary survey marker to its proper location as determined by the Department. The permittee shall be held responsible for any and all costs associated with repairing, replacing, or relocating the permanent boundary survey marker. This shall include but not be limited to compensation based on actual cost to the Department for any and all costs incurred by the Department in having the permanent boundary marker repaired, replaced or relocated. In addition the permittee may be held liable under Idaho Code 54-1234. MONUMENTATION – PENALTY AND LIABILITY FOR DEFACING
- Costs associated with the review of studies or appraisals.
- Costs associated with the construction of highway modifications or improvements, including but not limited to signals, illumination, signs, pavement markings, delineation, guardrail, culverts.
- Changes or adjustments made to State highway features or fixtures.
- Expenses relating to photocopying highway plans, permits, or related documents.

Permit application fees **may** be waived for the following:

- Government agencies.
- Utility adjustments or relocations per State highway project utility agreements.
- Utility adjustments requested by the Department.

- Approaches or other encroachments resulting from State highway right-of-way negotiations that are included in the plans and completed during construction of a State highway project.
- Agricultural use of the State highway right-of-way included in a right-of-way agreement.
- Encroachments that have a direct benefit to the Department, i.e. allowing an adjacent landowner to level the State highway right-of-way to remove obstructions and improve safety.

The above permit application fees address changes in access on the State Highway system and are not intended to address impact or other miscellaneous fees which may be imposed by local highway or planning agencies for impacts to the local road system.

3.5 Pre-Application Requirements & Preliminary Review

The District shall advise applicants of the Department's procedures for all approaches and miscellaneous encroachments and be made fully aware of the length, cost, and complexity of this process. This includes, but is not limited to, access restrictions, permit requirements, and costs associated with impact studies, appraisals, and construction.

The Department recommends a preliminary application conference with appropriate District personnel, including the appropriate Maintenance foreman, or the local highway jurisdiction. The conference should be used to discuss the following Department and local highway agency access management requirements:

- Federal, state, and local regulations as they relate to the permit process;
- Type of permit to apply for;
- Type of access control in effect for that road segment;
- Site specific conditions;
- Options for access location and design; and,
- Items that will be required for submittal with the formal application.

Comments and recommendations from the preliminary conference shall not be considered final approval or denial.

The applicant may be required to furnish information to evaluate the impacts of the proposed access or encroachment on the State Highway System, including but not limited to:

- Vicinity, property, parcel, and ownership maps that clearly indicate all easements, existing accesses, other encroachments, and all contiguous ownership.
- Ownership documents, including all interest of record, mortgages, and trusts. The applicant shall be either the legal owner or the authorized representative for the legal owner of the property under consideration. Utilities may be required to show evidence of easement rights.
- Full property description, including township, range, section, bearing and distance of all property lines, acreage, easements, and subdivision plat, if applicable.
- All State highway right-of-way encroachment permits, State highway projects, and changes made to the property, existing approaches and/or other encroachments since purchase. All access control documents are retained in the Headquarters or District Right-of-Way offices.
- Current and proposed encroachment for the property, including zoning approval and written verification that proposed use will not degrade a local jurisdiction's comprehensive plan.
- A complete description of the proposed final use(s) of the property(s) to be served by the permit including each use type, number of units, and square footage.
- All existing and proposed features, including but not limited to: setback and location of structures, internal roadways, all site accesses, access design, number and location of lanes, parking areas and traffic circulation aisles, pedestrian, bicycle and handicap accommodations, large vehicle accommodations, fire lanes, curbs, gutters, sidewalks, islands, signs, utilities, parking, pavement locations and types, drainage and other waterways, landscaping, berms, sprinklers, side slopes, profiles, and typical sections.
- Development plans, or other plans or maps, showing both sides of the affected State highway and all corners of any approaches or intersections on, across, adjacent to or near the property affecting access, design, environment, safety, or operation.
- Site plans which clearly indicate the character and extent of the access, landscaping and/or other encroachment work proposed, phasing of development, date traffic generation begins, and development build-out year.

- Anticipated traffic volumes and associated types of vehicles that will use the proposed route(s), including existing and development build-out volume projections for AM and PM peak hours.
- For developments projected to generate 25 or more peak hour trips or that add a total volume of 250 vehicles per day or more, a Transportation Impact Study shall be completed in accordance with the requirements presented in the ITD document, “Requirements for Transportation Impact Study” (see [Section 4.2, Approaches for Major Developments \(TIS\)](#)).
- Proposed access or other encroachment designs including plan and profile, width, radii.
- Construction details for any modification of the State highway right-of-way, including approach radii, new acceleration and deceleration lanes, signing, median barriers, turn lanes, and pavement marking details, and vicinity drainage sufficient to assure accommodation of drainage off of the State highway right-of-way.

The District shall determine the exact location and type of highway access control for each utility, approach, or encroachment. The milepost location shall be shown to the nearest 0.01mile.

To determine processing requirements for permits, appropriate Department personnel should be contacted to obtain the Board determination of access control and functional classification for the affected highway section. Contact the Right-of-Way section to obtain deeds and right-of-way contracts. **Highway plans shall not be used to verify access control type or used as a sole source for determining the location, size, and use of encroachments within the state highway right-of-way.**

Design personnel should be consulted to avoid conflicts between proposed encroachments and State highway maintenance or construction projects. If the possibility of a conflict exists, the applicant shall be required to work with the appropriate ITD personnel to resolve any conflicts before an application is submitted.

The applicant shall contact a utility locating service and determine if existing and proposed facilities conflict with the proposed encroachment. Should conflicts exist, the applicant shall make adjustments to the proposed encroachment design or location before an application is submitted. See Idaho Code Title 55, Chapter 22, “Underground Facilities Damage Prevention.”

If a permanent boundary survey marker is disturbed during the performance of work associated with an approved encroachment permit, the permittee shall be held responsible for obtaining the services of a professional land surveyor licensed in the state of Idaho to replace the permanent boundary survey marker to its proper location as determined by the Department. The permittee shall be held responsible for any and all costs associated with repairing, replacing, or relocating the permanent boundary survey marker. This shall

include but not be limited to compensation based on actual cost to the Department for any and all costs incurred by the Department in having the permanent boundary marker repaired, replaced or relocated. In addition the permittee may be held liable under Idaho Code 54-1234. MONUMENTATION – PENALTY AND LIABILITY FOR DEFACING

3.6 Completing the Application

Applications for all encroachments within State highway rights-of-way shall be completed by the issuing District, rather than the applicant. Applications for the installation, modification, relocation, or removal of encroachments located within a State highway construction project shall be completed by the Resident Engineer. A sample of these applications can be found in [Appendix B](#).

The District shall verify that all applications are accurate and complete. The application shall be signed by the owner or an authorized representative. Joint-use applications shall be signed by all deeded owners or authorized representatives.

Only one (1) original application is needed. Copies of the application may be made as required for Department. The original application shall be returned to the applicant after the permit is approved or denied.

Refer to [section 3.13, Final Review Process](#).

3.7 Submitting the Application

All Encroachments:

The application process will not proceed until the applicant has fulfilled all application submittal requirements and paid all associated costs. If, once an application is submitted, the permitting process is not completed within one (1) year as a result of inactivity on the applicant's part, the application shall be considered void.

All requests shall be reviewed for possible negative impacts on safety, highway capacity, and the environment. Action zones (i.e., transitions, merging, acceleration-deceleration, weaving, high decision areas) need to be carefully analyzed to see if safe approaches or other encroachments should exist.

The Department may require an appraisal for a proposed encroachment when access control has been acquired. (see [Section 3.10, Appraisals](#)).

If a conflict exists between the proposed encroachment and existing utilities or other facilities within the State highway right-of-way or with a State highway project, the permit application will be placed on hold until such conflicts are resolved.

Approaches and Other Encroachments:

Applications for the installation, modification in design or use, relocation, replacement, or removal of any encroachment within the State highway right-of-way (other than a utility) shall include a completed *Right-of-Way Encroachment Application and Permit – Approaches and Other Encroachments* (ITD-2109), along with all required attachments necessary to review and process the application. Normal maintenance that does not interfere with traffic operations or create a safety hazard will not require a permit.

ABUTTING PROPERTIES -- Only the owner(s) of property(ies) abutting the State highway right-of-way, or their designated representative, can legally apply for access.

NON-ABUTTING PROPERTIES -- Owners of properties not abutting the State highway right-of-way may not apply for access unless a legal agreement for access and joint-use with the owner of an abutting property is recorded with the County prior to final approval of the application for access to the State highway right-of-way. **SEE JOINT-USE.**

JOINT-USE -- Applications for joint-use of an approach to serve two or more parcels must be signed by all property owners participating in the joint-use agreement. **SEE PERMIT SIGNATURES.** Public roads, subdivision approaches and approaches that serve multiple housing on one parcel are not required to apply for joint-use.

PERMIT SIGNATURES -- All property owners shall be required to sign the application for access, and all will be held equally responsible for any and all permit requirements. In lieu of all property owners signing an encroachment permit, the property owners may submit a notarized letter of authorization for one representative to act on behalf of all property owners.

EASEMENT AGREEMENTS -- All easement agreements required for access to the State Highway right-of-way shall be signed by all parties of the access agreement and recorded with the County Recorder. A copy of the recorded easement agreement must be given to the Department prior to receiving final approval of the encroachment permit.

Utilities:

Utility facilities requesting the installation, relocation, modification, replacement, removal, or maintenance of their facilities within State highway rights-of-way shall be required to apply for a permit to encroach as follows:

- Those utilities without prior property or easement rights and those with existing property or easement rights within the State highway right-of-way shall submit a *Right-of-Way Encroachment Permit – Utilities* (ITD-2110).

Applications for all utility work associated with a State highway construction project shall contact the District to coordinate the project development and construction of such facilities (see [section 3.11, Utility Encroachments](#)).

3.8 Applications for Temporary Encroachments

Applications for temporary encroachments within State highway rights-of-way shall abide by the same permitting process and application fee structure as those required for permanent encroachments. The effective time period for permanent encroachment permits shall not exceed one (1) calendar year, with the opportunity for the Engineer to give a one-time six (6) month extension. If additional encroachment time is required, a new application shall be processed at the expiration of the existing permit. Encroachment permits for temporary encroachments shall give the installation and removal dates within the permit documentation.

All requests for temporary encroachments within the highway right-of-way for time periods between two (2) weeks and one (1) year should be addressed on an ITD-2109 encroachment permit form or may be addressed in a Memorandum of Understanding (MOU) if the encroachment is recurring. Examples of a recurring encroachment would be seasonal decorations placed by communities or Fish and Game check stations.

All requests for temporary encroachments within the highway right-of-way for time periods of two (2) weeks or less should be addressed in a Special Event Agreement if the temporary encroachment involves events such as parades, rodeos, ice carnivals, bicycle races or foot races, etc.

All temporary encroachments shall be removed within ten (10) days following the expiration of the permit unless removal is specifically addressed within the permit documentation.

See [Section 3.12.1 Temporary Signs](#), [Section 3.12.2 Benches Planters and Other Structures](#), and [Section 3.12.3 Overhanging Displays, Canopies and Marquees](#) for restrictions in regard to placement of decorations, signs, and other miscellaneous encroachments within the highway right-of-way.

3.9 Applications for Approaches

Any change in access (new or additional approaches, or the modification in design or use, relocation, or removal of existing approaches) on the State Highway System MAY be allowed. Any change in access shall require an approved State highway right-of-way encroachment permit (ITD-2109) and shall meet all access control requirements that correspond to the current functional classification for the State highway in the affected area.

Applications for an approach to a property that abuts the State highway, but has no existing access, shall follow all applicable guidelines of these standards and procedures and any additional requirements as directed by the Engineer.

3.9.1 New Approaches

Applications for new approaches shall be submitted by the owner(s) or authorized representative of property abutting the State highway right-of-way.

Whenever a change in access is proposed, the maximum number of approaches should be addressed and that number reduced to a minimum. This can be accomplished through the use of frontage roads, joint use approaches or the elimination of unnecessary approaches.

- All approaches shall be designed to adequately serve the needs of the property and the anticipated volume of vehicles.
- Normally not more than one approach should be provided to any single property tract or business establishment frontage.
- Approaches shall be considered per total development, regardless of the number of individual parcels it contains.
- The Department's goal is four (4) approaches per side per mile in Urban areas and three (3) approaches per side per mile in Rural sections. This would include all existing approaches plus any additional approaches.
- One-way approaches should always be considered in place of full service approaches when speeds or traffic volumes make it necessary to restrict access. Restriction of access may be accomplished through the use of medians, geometric restrictions or the use of channelization islands.
- Right-in, Right-out, One-Way (Exit or Entrance Only) approaches should only be permitted where good motorist compliance is expected.

ACCESS DEEDS -- If a property owner has [legally documented](#) access that has not been built, the approach(s) may be allowed by specific highway station, specific width and specific use as stated in the deed. If the specifics of the approach are not listed in the documents, the approach(s) may ONLY be allowed at what the historical use for the approach would have been if constructed at the time the deed was signed and only at a location that is agreed upon by the Department and the property owner. However, NO approach will be allowed that adversely affects either the safety or operation of the highway.

CONSTRUCTION or RIGHT-OF-WAY PLANS -- If a property owner has [legally documented](#) access but the specifics of the approach (highway station, width and use) are not listed in the documents, the approach(s) may ONLY be allowed at what the historical use for the approach would have been if constructed at the time the deed was signed. Review of the construction or right-of-way plans should be used to determine the location, width and use of the approach at the time of the roadway construction.

All requests for changes in access on the State Highway System shall meet or exceed the minimum spacing standards stated in this document unless specifically addressed in a

waiver of policy that has been approved by the Chief Engineer. See **TABLE 4.5.1.1 MINIMUM APPROACH AND SIGNAL SPACING**

All requests for new approaches on the State Highway System shall require an evaluation of:

- Current access control records:

A close review of the existing deed for restrictive covenants will be required with special attention to phrases such as “This approach is for farm access only, and if at any time in the future the property is sold, all rights of access will be extinguished”. All requests should be evaluated using current functional classification and existing access control documents. **Construction or Right-of-Way plans shall not be used to verify access control type.**

- Impacts on safety and capacity:

Requests shall be reviewed for possible negative impacts on safety and highway capacity. Action zones (i.e., transitions, merging, acceleration-deceleration, weaving, high decision areas) need to be carefully analyzed to see if the addition of a new approach would have an adverse effect on the safety or capacity of the State highway.

- An assessment of environmental impacts; and
- A reimbursement of value for changes in access to a parcel.

For all changes in access in TYPE II through IV Access Control, a new access document (Deed, Quit Claim, etc.) showing the access by specific width, type of use, and highway station will be required and should normally be completed by the Headquarters’ Right-of-Way Section. The District should submit all requests for the new access documents directly to the HQ Right-of-Way Section, unless the encroachment permit requires approval by the Chief Engineer. For all encroachment permits requiring the Chief Engineer’s approval, submittals for new access documents will be processed through the HQ Traffic Section.

3.9.2 Approaches in New Highway Construction

Applications (ITD-2109) for any new or additional approach, or the modification in design or use, relocation, or removal of an existing approach requested within a State highway construction project shall be processed by the Resident Engineer in charge of the project, in accordance with the Department’s Contract Administration Manual.

The Resident Engineer shall be responsible for obtaining a permit number from the District permit person before completing and submitting the ITD-2109, together with all related documentation (i.e. roadway plans, etc.), to the District permit person for review

and final approval by the District Engineer. If final approval is given, the original permit and all accompanying documentation will be returned to the Resident Engineer within **seven (7) working days**. The District permit person shall make a duplicate copy of the ITD-2109 to record the permit number, project number, and type of work prior to returning the original to the Resident Engineer. The duplicate ITD-2109 should reference the location of the original ITD-2109 within the project files. It will be the Resident Engineer's responsibility to have the ITD-2109 and related documentation placed into the project files within **30 working days** of the completion of the State highway construction project.

An approved permit shall be required to construct an approach, modify the construction or design, or change the use or relocate an existing approach within the State highway right-of-way. Modifications of approach construction or design shall include, but not be limited to, width, grade, surface type, landscaping, and drainage. Change in use of an approach shall include, but not be limited to, changes from a farm approach to a residential or commercial approach or changes from a single-family residential approach to a multiple-family residential (subdivision) or commercial approach. All requests to modify an existing access on the State Highway System shall require an evaluation of:

- Current access control records:

A close review of the existing deed for restrictive covenants will be required with special attention to phrases such as "This approach is for farm access only, and if at any time in the future the property is sold, all rights of access will be extinguished". All requests should be evaluated using current functional classification and existing access control documents. **Highway or Right-of-Way plans shall not be used to verify access control type.**

- Safety and capacity:

Requests shall be reviewed for possible negative impacts on safety and highway capacity. Action zones (i.e., transitions, merging, acceleration-deceleration, weaving, high decision areas) need to be carefully analyzed to see if the modification in design or use to an approach would have an adverse effect on the safety or capacity of the State highway.

- An assessment of environmental impacts;
- A reimbursement of value for changes in access to a parcel.

SPECIAL NOTE:

An existing access allowed to remain during a highway project that does not meet criteria for the newly established access control type, must be documented on the access control determination form ITD-00606, right-of-way documents and the "As Constructed" plans.

Any existing access removed during a highway project shall be documented on the right-of-way documents and the “As Constructed” plans.

During construction projects when approaches are either added or removed, the maximum number of approaches should be addressed and that number reduced to a minimum. This can be accomplished through the use of frontage roads, joint use approaches or the elimination of unnecessary approaches. The Department’s goal is four (4) approaches per side per mile in Urban areas and three (3) approaches per side per mile in Rural sections. This would include all existing approaches plus any additional approaches. Minimum spacing standards must meet requirements stated in this document. See **TABLE 4.5.1.1 MINIMUM APPROACH AND SIGNAL SPACING**

For all changes in access in TYPE II through IV Access Control, a new property deed showing the access by specific size, use type, and highway station will be required and should normally be completed by the Headquarters’ Right-of-Way section following right-of-way negotiations with the property owners. The Right-of-Way agent should include appropriate Traffic and Roadway Design personnel in the preliminary stages of negotiation to make all parties aware of the specific project requirements ([see section 3.10, Appraisals](#)).

PUBLIC ROAD CONNECTIONS – Public highway connections may ONLY be allowed at spacing in accordance with [Table 4.5.1.1](#).

PRIVATE OR COMMERCIAL APPROACHES -- No new private or commercial approaches are allowed unless connections are approved by the Department prior to construction.

3.9.3 Modifications to Existing Approaches

Applications (ITD-2109) for the modification in design or use to approaches abutting the State highway right-of-way shall be submitted by the owner(s), or their authorized representative. Whenever possible the consolidation or elimination of approaches should be considered. This may be accomplished through the use of frontage roads, joint-use approaches, negotiation with the property owner, or purchase of access.

An approved permit shall be required to modify the construction or design, or change the use of an existing approach within the State highway right-of-way. Modifications of approach construction or design shall include, but not be limited to, width, grade, surface type, landscaping, and drainage. Change in use of an approach shall include, but not be limited to, changes from a farm approach to a residential or commercial approach or changes from a single-family residential approach to a multiple-family residential (subdivision) or commercial approach. All requests to modify an existing access on the State Highway System shall require an evaluation of:

- Current access control records:

A close review of the existing deed for restrictive covenants will be required with special attention to phrases such as “This approach is for farm access only, and if at any time in the future the property is sold, all rights of access will be extinguished”. All requests should be evaluated using current functional classification and existing access control documents. **Highway plans shall not be used to verify access control type.**

- Safety and capacity:

Requests shall be reviewed for possible negative impacts on safety and highway capacity. Action zones (i.e., transitions, merging, acceleration-deceleration, weaving, high decision areas) need to be carefully analyzed to see if the modification in design or use to an approach would have an adverse effect on the safety or capacity of the State highway.

- An assessment of environmental impacts;
- A reimbursement of value for changes in access to a parcel.

SPECIAL NOTE:

Applications for modifications to existing approaches located within the State highway right-of-way where access control was acquired by the Department (that will not compromise the quality of traffic service for the public), shall be reviewed to determine what, if any, reimbursement would be required from the permittee for the modification. If such a modification in design or use does not increase the value of the property or have negative impacts on safety, highway capacity, and the environment, a State highway right-of-way encroachment permit may be issued without the requirement of reimbursement. In this case, only a new legal document of title (exchange deed) is required if in Access Control Types II thru IV. However, if such modification in design or use of an existing approach results in an increase in property value, the procedures in **Section 3.10, Appraisals** should be followed.

For all changes in access in TYPE II through IV Access Control, a new access document (deed, quit-claim, etc.) showing the access by specific size, use type, and highway station will be required and should normally be completed by the Headquarters’ Right-of-Way Section. The District should submit all requests for the new access documents directly to the HQ Right-of-Way Section, unless the encroachment permit requires approval by the Chief Engineer. For all encroachment permits requiring the Chief Engineer’s approval, submittals for new access documents will be processed through the HQ Traffic Section.

3.9.4 Relocation of Existing Approaches

Requests for relocation of approaches to property abutting the State highway right-of-way shall be submitted by the owner(s), or their authorized representative. A permit to

encroach within the State highway right-of-way shall be required to relocate an existing approach.

All requests for the relocation of approaches on the State Highway System shall require an evaluation of:

- Current access control records:

A close review of the existing deed for restrictive covenants will be required with special attention to phrases such as “This approach is for farm access only, and if at any time in the future the property is sold, all rights of access will be extinguished”. All requests should be evaluated using current functional classification and existing access control documents. **Highway plans shall not be used to verify access control type.**

- Safety and capacity:

Requests shall be reviewed for possible negative impacts on safety and highway capacity. Action zones (i.e., transitions, merging, acceleration-deceleration, weaving, high decision areas) need to be carefully analyzed to see if the relocation of an approach would have an adverse effect on the safety or capacity of the State highway;

- An assessment of environmental impacts;
- A reimbursement of value for changes in access to a parcel.

For all changes in access in TYPE II through IV Access Control, a new access document (deed, quit-claim, etc.) showing the access by specific size, use type, and highway station will be required and should normally be completed by the Headquarters’ Right-of-Way Section. The District should submit all requests for the new access documents directly to the HQ Right-of-Way Section, unless the encroachment permit requires approval by the Chief Engineer. For all encroachment permits requiring the Chief Engineer’s approval, submittals for new access documents will be process through the HQ Traffic Section.

3.9.5 Additional Approaches

Applications for additional approaches to property abutting the State highway right-of-way shall be submitted by property owner(s), or their authorized representative.

Whenever a change in access is proposed, the maximum number of approaches should be addressed and that number reduced to a minimum. This can be accomplished through the use of frontage roads, joint use approaches or the elimination of unnecessary approaches.

- All approaches shall be designed to adequately serve the needs of the property and the anticipated volume of vehicles.
- Normally not more than one approach should be provided to any single property tract or business establishment frontage.
- Approaches shall be considered per total development, regardless of the number of individual parcels it contains.
- The Department's goal is four (4) approaches per side per mile in Urban areas and three (3) approaches per side per mile in Rural sections. This would include all existing approaches plus any additional approaches.
- One-way approaches should always be considered in place of full service approaches when speeds or traffic volumes make it necessary to restrict access. Restriction of access may be accomplished through the use of medians, geometric restrictions or the use of channelization islands.
- Right-in, Right-out, One-Way (Exit or Entrance Only) approaches should only be permitted where good motorist compliance is expected.

ACCESS DEEDS -- If a property owner has [legally documented](#) access that has not been built, the approach(s) may be allowed by specific highway station, specific width and specific use as stated in the deed. If the specifics of the approach are not listed in the documents, the approach(s) may ONLY be allowed at what the historical use for the approach would have been if constructed at the time the deed was signed and only at a location that is agreed upon by the Department and the property owner. However, NO approach will be allowed that adversely affects either the safety or operation of the highway.

CONSTRUCTION or RIGHT-OF-WAY PLANS -- If a property owner has [legally documented](#) access but the specifics of the approach (highway station, width and use) are not listed in the documents, the approach(s) may ONLY be allowed at what the historical use for the approach would have been if constructed at the time the deed was signed. Review of the construction or right-of-way plans should be used to determine the location, width and use of the approach at the time of the roadway construction.

All requests for changes in access on the State Highway System shall meet or exceed the minimum spacing standards stated in this document unless specifically addressed in a waiver of policy that has been approved by the Chief Engineer. See **TABLE 4.5.1.1 MINIMUM APPROACH AND SIGNAL SPACING**

All requests for new approaches on the State Highway System shall require an evaluation of:

- Current access control records:

A close review of the existing deed for restrictive covenants will be required with special attention to phrases such as "This approach is for farm access only, and if at any time in the future the property is sold, all rights of access will be extinguished". All requests should be evaluated using current functional

classification and existing access control documents. **Construction or Right-of-Way plans shall not be used to verify access control type.**

- Impacts on safety and capacity:

Requests shall be reviewed for possible negative impacts on safety and highway capacity. Action zones (i.e., transitions, merging, acceleration-deceleration, weaving, high decision areas) need to be carefully analyzed to see if the addition of a new approach would have an adverse effect on the safety or capacity of the State highway.

- An assessment of environmental impacts; and
- A reimbursement of value for changes in access to a parcel.

For all changes in access in TYPE II through IV Access Control, a new access document (Deed, Quit Claim, etc.) showing the access by specific width, type of use , and highway station will be required and should normally be completed by the Headquarters' Right-of-Way Section. The District should submit all requests for the new access documents directly to the HQ Right-of-Way Section, unless the encroachment permit requires approval by the Chief Engineer. For all encroachment permits requiring the Chief Engineer's approval, submittals for new access documents will be processed through the HQ Traffic Section.

3.9.6 Removal of Approaches

If at any time it is brought to the Department's attention that an illegal approach has been placed on the State Highway System, the District should take the necessary action to have the illegal encroachment removed.

A thorough documentation review should be conducted prior to any negotiation with property owners to eliminate the possibility of illegal approaches being allowed to remain or property owners being unjustly compensated for accesses they do now have legal ownership of. The review should be conducted for all approaches within the project limits whenever roadway construction takes place.

The removal of all existing legal approaches shall require an approved State highway right-of-way encroachment permit (ITD-2109) and must be recorded on the appropriate legal documentation.

- Removal of access in areas with Type I control will **NOT** require further processing to document the removal.
- All accesses removed in TYPE II through IV Access Control, will require Correction Deed recording the removal of the access by specific size, use type, and highway station and should normally be completed by the Headquarters'

Right-of-Way Section. The District should submit all removal documents directly to the HQ Right-of-Way section.

All [legally documented](#) approaches that were in existence prior to March 17, 2001, are given **GRANDFATHERED** rights of existence. The key phrase being [LEGALLY DOCUMENTED](#), which means that the OWNER of an approach must provide documentation to prove that the encroachment has been legally placed on the State Highway System. The burden being on the Owner, however the Department should work jointly with the owner of the approach to facilitate their documentation of the encroachment. Undocumented approaches shall not be given grandfathered rights, but shall be reviewed with the property owner to determine if the approach should be allowed to remain. All approaches allowed to remain must meet the requirements of the Department's encroachment policy and must be submitted for approval on a completed encroachment permit. If approved the approach must be documented by completing the proper legal documents.

[LEGALLY DOCUMENTED](#) -- To be legally documented an approach must meet one of the following conditions:

- Documented in legal documents between the State of Idaho and a property owner, his successors or assigns; or
- Constructed during a construction project approved by the Idaho Transportation Board; or
- Allowed by an encroachment permit approved by the Department.

Removal of approaches during construction projects can be accomplished through the use of frontage roads, joint use approaches, negotiation with the property owners or the purchase of access. The Department's goal is four (4) approaches per side per mile in Urban areas and three (3) approaches per side per mile in Rural sections. This would include all existing approaches plus any additional approaches. Minimum spacing standards must meet requirements stated in this document. See [TABLE 4.5.1.1 MINIMUM APPROACH AND SIGNAL SPACING](#).

3.10 Appraisals

The Idaho Transportation Department can acquire property rights along the State Highway System and control access to the roadway either through property purchase (deed restrictions) or through regulatory control (police power). When the owner of land adjacent to a State Highway requests one or more access points or a change in use of an existing access point, the District shall determine:

- The highway's classification in accordance with the provisions of Administrative Policy A-12-01, State Highway Access Control (Type I through V),

- Whether the property rights associated with the land were “purchased” or “regulatory,” and
- Whether the value of the benefited land will increase from the additional access or change in use.

Access to Type V roadways (Interstate) is determined by federal regulations, design specifications, and construction standards. Additional access is only considered after a thorough review of the roadway use and a construction project is approved by the Idaho Transportation Board. Appraisal fees in Administrative Policy A-3-03 do not apply to Access Type V.

PURCHASED ACCESS (Deed Restrictions)

If the department purchased access control and the access point is part of a recorded document, the property owner shall compensate the department for the access control that was previously purchased (**mandatory**). The District may either:

- Require an appraisal if the land’s estimated value increases as a result of a new access or change in type of use, and the increase in value of the benefited land is greater than the fee shown in Administrative Policy A-3-03, on the “*Deed Restricted Access With Minimum Value*” table; or
- Waive the appraisal for change requests that minimally enhance the property value and establish a compensation fee shown in Administrative Policy A-3-03, on the “*Deed Restricted Access with Minimum Value*” table.

REGULATORY CONTROLLED ACCESS (Police Power)

If access control was established by the department through a regulatory action of the Idaho Transportation Board, the District may either:

- Require an appraisal for Type III and Type IV access control changes where the land’s estimated value increases as a result of a new access or change in type of use, and the increase in value of the benefited land is greater than the fee shown in Administrative Policy A-3-03, on the “*Regulatory Controlled Access With Minimum Value*” table, or
- Waive the appraisal for change requests that minimally enhance the property value and establish an administrative fee in accordance with Administrative Policy A-3-03, as shown on the “*Regulatory Controlled Access with Minimum Value*” table, or
- Recommend an alternate fee and provide justification for the reduction when the added value to the benefited land is less than the fee shown in the “*Regulatory Controlled Access with Minimum Value*” table. **In no case shall the fee be less than \$500.** The justification of value shall be based on appraisal principals and is subject to the approval of the Right of Way Manager.

APPRAISAL AND ENHANCED LAND VALUE REQUIREMENTS

The Right of Way Section shall coordinate all appraisals required by this policy. The Appraisal Coordinator shall select appraisers from the department's qualified list of Certified General Appraisers.

- The appraised value of the benefited property shall be based on the requested future use rather than the present use.
- Any enhanced value of the benefited property shall be paid by the property owner to ITD before access is granted.

The landowner making the request must pay the cost of the appraisal (when required) and the appraisal review in advance of the appraisal process. If the District Right of Way Supervisor, with the concurrence of the Right of Way Appraisal Coordinator, determines that a new point of access or a change in type of use will add little or no additional value to the property, the appropriate fee schedule may be used to determine the land value in lieu of an appraisal.

Reimbursement to the Department for changes in access, may be in the form of approach consolidation or extinguishment, monetary reimbursement, right-of-way donation, or highway improvements constructed at the permittee's expense.

Individuals, organizations, and all public or governmental entities that apply for a change in access on the State Highway System shall be responsible for all fees incurred for the completion of the appraisal report, when required. Appraisal costs, in addition to the fees of an authorized appraiser and appraisal reviewer, may include loaded rate wages, travel, subsistence, and other Department costs associated with the appraisal process.

Appraisals to determine fair market value of a parcel(s) will be coordinated by Headquarters Right-of-Way and shall be conducted by a State-approved fee appraiser or staff appraiser in accordance with Department procedures.

Appraisals, when required, shall determine the fair market value for all parcels in a development, including those parcels effected by the change in access that may not abut the highway.

If the applicant disagrees with the appraised value, another appraisal may be ordered as outlined above at the applicant's expense. The Department's Review Appraiser will then review both appraisals according to the current Department and industry standards and determine the appropriate value.

3.10.1 Access Document Processing – No Appraisal Required

Documents must be prepared each time a change in access is allowed, except for changes in Type I access control. If the value increase to the effected parcel caused by the change in access is not greater than the set appraisal fees in Administrative Policy A-3-03, an appraisal will not be required. An appraisal may not be required, If the parcel owner has agreed to one of the following:

- Pay for highway improvements, such as signalization, additional lanes, etc. , or
- Donate additional right-of-way for future highway use, or
- Relinquish access rights (consolidation of approaches, elimination of approaches, quit claim access to the state, etc.); and

the District Right-of-Way appraiser has determined that the value of the change in access is offset by the concession made by the parcel owner.

The District should:

- Actively seek to obtain legal title to access rights in areas where the State had only easement rights to the highway; and
- Actively seek right-of-way donations for future highway use; and
- Actively seek to consolidate approaches whenever possible (joint-use); and
- Actively seek to eliminate excess approaches whenever possible (frontage roads, extinguishment of access through negotiation or purchase; and
- Actively seek to have the permittee pay for all signalization and roadway improvements required by the development.

The District Right-of-Way Section should start the process for all legal documents that are used to record a change in access, such as a change in location, width, or use of an approach, elimination of a legally recorded approach or a donation of right-of-way. The District Right-of-Way Section should forward all documentation directly to the Headquarters Right-of-Way Section whenever the change in access is NOT in Type IV Access Control or an Appraisal is NOT REQUIRED.

3.10.2 Access Document Processing – TYPE IV or Appraisal Required

IF THE CHANGE IN ACCESS IS IN TYPE IV ACCESS CONTROL OR AN APPRAISAL IS REQUIRED, the documentation must be forwarded with the encroachment permit package to the Headquarters' Traffic Section for further processing.

For all permits forwarded to the Headquarters' Traffic Section, the following process will be followed:

- Encroachment permit and all access documents will be reviewed for completeness and accuracy; and
- Permit package will be reviewed for either approval or denial; and
- All approved permit packages will be forwarded to Headquarters' Right-of-Way for processing of the access documents; and
- Headquarters' Right-of-Way will return access documents and permit package to Headquarters' Traffic Section for return to the District; and
- District will record the legal documents, finalize the permit process and return a copy of the recorded legal documents to both the Headquarters' Traffic Section and the Headquarters' Right-of-Way Section.

3.11 Utility Encroachments

The ITD District office may approve all applications for utility permits, **with the exception of permits for longitudinal placement or fiber optic telecommunication cable in TYPE V access control (Interstate)**. Permits must address requirements associated with traffic control, dust control, site reclamation, environmental protection, and work site safety. Final utility locations shall be identified on the appropriate roadway and/or bridge plans.

TYPE V ACCESS (Interstate)—All longitudinal placement of utility encroachments are normally prohibited in areas of full control of access (Type V), with the exception of Fiber Optic Telecommunications Cable as addressed in the 1996 Telecommunications Act. An approved agreement prepared by Headquarters Traffic is required before the utility can request a permit for Fiber Optic Telecommunications installations. All utility permits for longitudinal placement in full control of access, including those for Fiber Optic Telecommunications Cable, shall be submitted to the State Utility Engineer who will coordinate his review with the State Traffic Engineer if there are any traffic concerns involving the safety or operation of the highway. Any variances from the terms or requirements of a Fiber Optic Telecommunication Cable agreement must be approved by the Chief Engineer.

It will be the State Utility Engineer's responsibility to obtain final approval for all utility permits as follows:

All fiber optic telecommunication cable permits in TYPE V shall be presented to the Chief Engineer for final approval and may be approved by the Chief Engineer without the need for FHWA approval.

All longitudinal placement of utilities in full control of access, other than Fiber Optic Telecommunication Cable, **MAY** be approved under special conditions. These permits must be submitted to the State Utility Engineer for review and presentation to both the Chief Engineer and FHWA for final approval.

All utility encroachments, including new utility installations and the relocation, maintenance, modification, or removal of existing utility facilities shall require an approved State highway right-of-way encroachment permit prior to initiation of the work. Permits for the maintenance and emergency repair of existing facilities are discussed below.

Each *Right-of-Way Encroachment Application and Permit – Utilities* (ITD-2110) shall include a current traffic control plan. Permits for multiple-highway operations may be approved following a review of traffic control plans. Service and maintenance of utility facilities located within the State highway right-of-way will be conducted with due consideration for the safety and convenience of the traveling public.

Utility encroachments on State highway rights-of-way shall conform to the IDAPA 39.03.43, “Rules Governing Utilities on State Highway Right-of-Way”. This Rule applies to all new utility installations, to existing utility facilities to be retained, relocated, or maintained, and to the relocation or removal of utility facilities which are found to constitute a definite hazard to the traveling public on all rights-of-way under the jurisdiction of the Department. The publication “A Policy for the Accommodation of Utilities Within the Right-of-Way of the State Highway System in the State of Idaho” specifies the additional requirements for the accommodation of utilities. A copy of this policy is published in the ITD Design Manual and is available upon request at any District office.

The Districts shall establish procedures to ensure compliance with Department policies for all utility work performed by permit or agreement. A performance bond and pre-approved construction plans may also be required.

If a permanent boundary survey marker is disturbed during the performance of work associated with an approved encroachment permit, the permittee shall be held responsible for obtaining the services of a professional land surveyor licensed in the state of Idaho to replace the permanent boundary survey marker to its proper location as determined by the Department. The permittee shall be held responsible for any and all costs associated with repairing, replacing, or relocating the permanent boundary survey marker. This shall include but not be limited to compensation based on actual cost to the Department for any and all costs incurred by the Department in having the permanent boundary marker repaired, replaced or relocated. In addition the permittee may be held liable under Idaho Code 54-1234. MONUMENTATION – PENALTY AND LIABILITY FOR DEFACING

3.11.1 Applications for Utilities - Not Affected by Highway Construction

Applications for all utility work within the State highway right-of-way NOT included in a State highway construction project (with the exception of maintenance and emergency repair of existing facilities) shall be filed using a completed *Right-of-Way Encroachment Application and Permit – Utilities* (ITD-2110), along with all required attachments necessary to review and process the application.

3.11.2 Applications for Utilities - In New Highway Construction

Any new installation, modification, removal, or relocation or change in number of utilities associated with NEW HIGHWAY CONSTRUCTION shall be processed in accordance with the Department's Contract Administration Manual.

The Resident Engineer shall be responsible for obtaining a permit number from the District permit person. At that time the District permit person shall use a duplicate ITD-2110 to record the permit number, project number, and type of work. The duplicate ITD-2110 should refer to the location of the original ITD-2110 within the project files. The project files should be used for future reference to the ITD-2110 and all associated documentation. It shall be the Resident Engineer's responsibility to verify that the ITD-2110 forms are complete and entered into the project files, together with all documentation (i.e. as-constructed plans and shop drawings), within **thirty (30) working days** of the completion of the State highway construction project. (See section 3.7, Submitting the Application.)

3.11.3 Maintenance & Emergency Repair of Existing Facilities

All maintenance or emergency repairs shall require a permit for work within the State highway right-of-way. At the Department's discretion, a **NO-CHARGE** maintenance and emergency repair permit (ITD-2110) may be issued to a utility to cover all maintenance and emergency repair activities within a Department district. The effective time period for the permit shall not exceed one (1) calendar year.

Prior to the issuance of a maintenance or emergency repair permit, the District Engineer shall be required to meet annually with the utility. This meeting shall be used to discuss the work, facility, and roadway types to be included in the permit within a District. This meeting shall also be used to update any traffic control plans, special provisions, and related issues.

The utility shall design and submit for Department approval a series of typical traffic control plans to accommodate utility work under maintenance or emergency conditions. The issuance of a maintenance and emergency repair permit shall require the implementation of such approved traffic control plans.

The utility's traffic control plans shall be required to meet the minimum requirements of the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). All flaggers on the State Highway System shall be certified in, or recognized by, the State of Idaho. All traffic control devices used on the State Highway System shall comply with the current FHWA crash criteria.

The maintenance or emergency repair permit and the accompanying traffic control plans shall stay in force until either rescinded or updated by the Department. It shall be the utility's responsibility to renew the permit on a yearly basis. Renewal requires the applicant to review and update the maintenance and emergency repair permit application

and the accompanying traffic control plans as needed. The maintenance or emergency repair permit is subject to cancellation by the Department if for any reason it is found that the utility has not complied with the requirements of these standards and procedures.

Whenever maintenance or emergency repairs involve the travel lanes or are expected to either stop or delay the traveling public, the utility shall be required, when practical, to give advance notification to the Department by either calling the permit phone number, an after hours dispatch, or the maintenance office that oversees the affected State highway. If prior notification cannot be given, the utility shall be required to notify the Department during the next working day after the maintenance or emergency work has taken place.

The Department should keep a log of those calls (see sample in [Appendix B](#)). The log shall contain the following information: utility name, utility type, contact person, location of facility (i.e. route, milepost, offset, etc.), a description of the actual work, and the date and time that the work took place. This log shall be used to document utility work in the event of accidents or complaints (i.e. problems with traffic control, unreasonable delays, improper compaction, damage to vehicles, property, or vegetation, disturbed right-of-way monuments, etc.).

3.12 Applications for Other Encroachments

All miscellaneous encroachments not specifically discussed in previous sections, except for authorized uses of the State highway traveled way, shall require an approved State highway right-of-way encroachment permit (ITD-2109). Permits shall be required for all new installations and the relocation, maintenance, modification in design or use, or removal of existing installations prior to initiation of the work.

Portable objects or signs, memorials, urban improvements, landscaping, farming, irrigation or drainage, mailbox stands or turnouts, recreational parking facilities, park-and-ride lots, and school bus turnouts shall have an approved State highway encroachment permit. Permanent, temporary, or mobile structures, manned or unmanned, or the storage of materials, equipment, or supplies not included in an approved State highway encroachment permit or approved as part of a Department construction project shall not be allowed within the State highway right-of-way.

Displays shall not be placed within State highway rights-of-way on structures, trees, rocks, or utility poles, except the following:

1. Election posters/materials may be affixed to private fences bordering the highway right-of-way and to utility poles bordering or within the highway right-of-way when written permission is obtained from the owners of such fences or utility poles. See Standards and Procedures for Election Posters Within the Highway Right-of-Way dated May 14, 2002, available from Headquarters Traffic Section.

2. Seasonal decorations placed by communities which remain in place for a period of more than two weeks, may be allowed to incorporate the use of luminaire poles, utility poles and banners that overhang the roadway if all aspects of the installations have been approved by the Department and the effected utility companies prior to their installation. These installations should be addressed through the use of a right-of-way encroachment permit ITD-2109 or a Memorandum of Understanding (MOU) between the city and the Department.
3. Decorations placed by communities for special events which remain in place for a period of two weeks or less, may be allowed to incorporate the use of luminaire poles, utility poles and banners that overhang the roadway if all aspects of the installations have been approved by the Department and the effected utility companies prior to their installation. Such events may include, but not be limited to: parades, rodeos, ice carnivals, bicycle races or foot races. These installations should be addressed through the use of a Special Event Agreement between the event organizers, the city and the Department.

See [Section 3.12.1 Temporary Signs](#), [Section 3.12.2 Benches Planters and Other Structures](#), and [Section 3.12.3 Overhanging Displays, Canopies and Marquees](#) for restrictions in regard to placement of decorations, signs, and other miscellaneous encroachments within the highway right-of-way.

In the event a permit application conflicts with any provision of the Beautification of Highways Act of 1966, Idaho Code Section 40, Chapter 28, the beautification provisions shall apply.

If a permanent boundary survey marker is disturbed during the performance of work associated with an approved encroachment permit, the permittee shall be held responsible for obtaining the services of a professional land surveyor licensed in the state of Idaho to replace the permanent boundary survey marker to it's proper location as determined by the Department. The permittee shall be held responsible for any and all costs associated with repairing, replacing, or relocating the permanent boundary survey marker. This shall include but not be limited to compensation based on actual cost to the Department for any and all costs incurred by the Department in having the permanent boundary marker repaired, replaced or relocated. In addition the permittee may be held liable under Idaho Code 54-1234. **MONUMENTATION – PENALTY AND LIABILITY FOR DEFACING**

3.12.1 Temporary Signs

Temporary signs, banners, and decorations for community events may be allowed within State highway rights-of-way provided that an *Right-of-Way Encroachment Application and Permit - Approaches and Other Encroachments* (ITD-2109) is received from the community and is approved by the District Engineer. If the temporary signs, banners, or

decorations are in conjunction with a special event that involves the use of the traveled way, refer to section [1.3.3, Special Events on State Highways](#).

Displays shall not be permitted in locations that interfere with the safety of the State highway or the visibility and effectiveness of traffic control devices. The District may conduct a study to assist local officials in determining the placement of temporary signs to guide motorists to and from event sites. Permits should address the installation, removal, and allowed time period for each encroachment (see [3.8, Applications for Temporary Encroachments](#)).

3.12.2 Benches, Planters, and Other Structures

District Engineers are authorized to enter into a cooperative agreement with a local government allowing highway fixtures including, but not limited to, benches, planters, and other fixtures on city sidewalks or other designated areas within the State highway right-of-way. This is only allowed when the State highway has been functionally classified as urban and the following conditions are met:

- The structure does not constitute a safety hazard, form a wall, impede the sight distance of vehicles using the State highway, provide support for a building, obstruct crosswalks or wheelchair ramps, or force pedestrians into the road by the structure's placement. ([See section 4.5.6, Setback and Sight Distance](#).)
- A minimum distance of 2.4 meters (8 feet) from the face of the curb to the property line is desirable. The structure, including protrusions and overhangs, shall be a minimum of 0.5 meters (18 inches) behind the face of the curb. Furthermore, when the structure is in a sidewalk area, at least 1.2 meters (4 feet) of unobstructed space shall be available for pedestrians; or as an alternative, the spacing shall meet local government-approved standards.
- The structure shall not bear markings or signs that resemble official traffic control devices.
- The local authority assumes full responsibility and liability for administering the use, placement, and maintenance of the sidewalk space and structures contained thereon.
- The local authority agrees to indemnify, defend regardless of the outcome, and hold harmless, the Idaho Transportation Department from all occurrences resulting in damage to property, injury, or loss of life related to placement of the structure within State highway rights-of-way within the boundaries of the local jurisdiction.

If the local government does not properly enforce the conditions of the agreement, the District Engineer shall inform the local authority that the Department will enforce the restrictions of the agreement at local authority expense.

3.12.3 Overhanging Displays, Canopies, and Marquees

District Engineers may approve permits to encroach within State highway rights-of-way for any portable, permanent or temporary signs, displays, canopies, and marquees that are either structure or ground mounted. These shall only be allowed on the State highway within the urban limits of a community when the following conditions are met:

- No signs may be erected adjacent to the highway right-of-way EXCEPT where they meet the standards set forth in Idaho Code, Title 40, Chapters 1, 3 and 19. These standards generally allow, with a few restrictions, the erection of On Premise signs, For Sale signs, and Directional and Official signs. These standards provide strict control over the erection of Advertising Signs.
- The encroachment does not constitute a safety hazard, form a wall, impede the sight distance of vehicles using the State highway, provide support for a building, obstruct crosswalks or wheelchair ramps, or force pedestrians into the road by the structure's placement (see [section 4.5.6, Setback and Sight Distance](#)).
- Any temporary encroachment extending across or overhanging the traveled way is a minimum of 5.2m (17 feet) at it's lowest point above the traveled way.
- In a curb section, the encroachment does not extend closer than 0.5 m (18 inches) behind the face of the curb. In a non-curb section, all overhanging encroachments or those supported by a building does not extend more than 0.3 m (12 inches) into the highway right-of-way.
- Signs or displays installed perpendicular to the traveled way are no lower than 3.7 m (12 feet) above the sidewalk, ground level or edge of shoulder, whichever is highest. Canopies and marquees installed parallel to the traveled way are no lower than 2.4 m (8 feet) above the sidewalk, ground level or edge of shoulder, whichever is highest.
- The encroachment does not resemble, hide, or, because of the color or lighting, interfere with the effectiveness of traffic signals or other traffic control devices. Illuminated displays that simulate or can be confused with traffic signals shall not be permitted. Illuminated displays or variable message signs shall not be permitted to use flashing lights, colors or symbols which may be confused with a traffic control device.

All encroachments shall conform to local building and/or zoning ordinances and shall meet the minimum clearance requirements stated previously unless local requirements are more restrictive. Signs and marquees should be maintained in a neat appearing and structurally safe condition at all times. Existing signs or marquees suspended or projected over any portion of State highway right- of-way that constitute a hazard shall be immediately repaired or removed. All business signs must meet the requirements of Idaho Code Title 40, Chapter 19, Beautification of Highways.

3.12.4 Landscaping, Farming, & Irrigation

District Engineers may approve State highway right-of-way encroachment permits for landscaping, farming, and/or irrigation (see [section 5.2, Landscaping, Farming, & Associated Irrigation](#)).

Prior to permit approval, the District Engineer shall contact all affected utilities to avoid conflicts with existing and proposed facilities. Should conflicts exist, the permittee shall make adjustments to the encroachment or have the permit revoked.

3.12.5 Recreational Parking & Park-and-Ride Lots

District Engineers, may approve permits for other governmental agencies to encroach within State highway rights-of-way for recreational parking or park-and-ride lots. Applications for permits to encroach within State highway rights-of-way for recreational parking or park-and-ride lots not covered under an interagency cooperative agreement shall comply with all applicable sections of this manual including, but not limited to, the permit process and all location and design standards. ([See section 5.3 for design requirements.](#))

3.12.6 Mailbox & School Bus Turnouts

District Engineers may approve permits for mailbox or school bus turnouts within State highway rights-of-way with Type I access control. Approval of permits for mailbox or school bus turnouts within State highway rights-of-way with Type II through IV access control shall be by the DEPARTMENT ONLY. All turnouts shall comply with all applicable sections of this manual, including but not limited to, the permit process and all location and design standards (see [section 5.4, Mailbox & School Bus Turnouts](#)).

3.13 Final Review Process

The review process commences on the day the applicant signs the application and makes payment of the initial application fees. Each District shall establish and maintain a tracking system to ensure the timely progression of each stage of the approval process. It is recommended that the District conduct a group review of each application that affects the local jurisdiction in order to facilitate and expedite the input process.

The time required to complete the application review process may be effected by the type of application, the documentation furnished by the applicant, as well as the type of access control. The review process for encroachments within State highway rights-of-way where an appraisal is required will require additional review by the State Traffic Engineer and the Chief Engineer.

If at any time the District Engineer or State Traffic Engineer determines that there is insufficient documentation to process the application, it will be placed on hold until such documentation has been received.

The District shall review each application for right-of-way encroachment to ensure that:

- The requirements of each functional highway class and access control type are met.
- All of the provisions established under these standards and procedures are met or a variance of these standards and procedures has been addressed.
- The operational efficiency and safety of the State highway are not compromised.
- All conflicts with existing and proposed facilities and projects, whether public or private, have been addressed.
- Alternative means of access have been identified for operationally unsafe approaches or other encroachments.
- All approaches are designed to adequately serve the needs of the property and the anticipated volume of vehicles. Normally not more than one approach should be provided to any single property tract or business/establishment frontage (see [section 4.1, General Approach Requirements](#)).
- New approach applications meet the stipulations shown on the property deed. If a determination is made that access rights have been acquired by the Department, the application process shall follow section 3.15, regardless of access control type.
- All environmental impacts have been addressed.
- Long-range (20-year) planning goals have been addressed.

All applications should address requirements associated with traffic control, dust control, site reclamation, environmental protection, and work site safety.

Approval may be given by the District Engineer in advance of processing the permit for emergencies that effect highway operations and motorist safety.

When an application is denied by the Department, the Department will have **seven (7) working days** to notify the and return the original denied permit and all supporting documents to the applicant. A certified letter of denial shall accompany all denied permits. Denied applicants interested in appealing should refer to [section 3.19, Appeals](#).

3.14 Approval Process – Type I-III Access (No Appraisal Required)

Upon receipt of an application and all supporting documents ([See Encroachment Permit Check List](#)), the Department will have **fourteen (14) working days** to make a determination of permit approval. The Department will have **seven (7) working days** to notify the applicant and return the original approved permit and all supporting documents to the applicant.

The design of highway projects, which will result in changes to access must follow procedures for project approval and those addressed in this policy .

The District may approve **all encroachments, including utilities** in access Types I-III if **NO APPRAISAL** is required.

AN APPRAISAL AND APPROVAL BY THE CHIEF ENGINEER shall be required if a change in access increases the market value of the affected parcel beyond the values shown on the appraisal fee charts of Administrative Policy A-3-03, Appraisals.

For all submittals requiring Headquarters' approval see procedures shown in [Section 3.15 Approval Process – Type IV and Type V Access or Appraisal Required](#).

When an application is approved, a copy of the permit and all pertinent documents shall be forwarded to the appropriate District Maintenance Foreman. A complete copy of the permit package shall be retained in the District permit office files.

In accepting a permit, the permittee, their successors and assigns, shall agree to hold the Department harmless from any liability caused by the installation, construction, removal, maintenance, or operation of the encroachment(s) and/or approach(es).

3.15 Approval Process – Type IV and Type V Access or Appraisal Required

Upon receipt of an application and all supporting documents ([See Encroachment Permit Check List](#)), the Department will have **fourteen (14) working days** to make a determination of permit approval.

All encroachment permits on the State Highway System approved by the District, where it is determined that a change in access will affect the market value of the effected parcel(s) beyond the preset fees shown in Administrative Policy A-3-03, Appraisals, must be submitted to the State Traffic Engineer within **seven (7) working days** for further review.

When a District approves an encroachment permit for all encroachments, except utilities within Type IV and Type V access control, the District Engineer shall send the permit package to the State Traffic Engineer within **seven (7) working days** for further review.

The Design of Highway Projects which will result in changes to access in Type IV and Type V access control are not specifically addressed in this policy and must follow standard procedures for project approval and the encroachment guidelines set forth in this document.

UTILITIES -- Utility permits in areas of Type IV and Type V access control are addressed as follows:

Districts may approve ALL utility placements in **Type IV** and those requesting **traverse crossings** in **Type V** access control, with the **EXCEPTION** of Fiber Optic Telecommunication Cable in Type V access control.

All permits requesting **longitudinal placement** of utilities in **Type V** access control, including Fiber Optic Telecommunication Cable, must be submitted to the State Utility Engineer. The State Utility Engineer shall coordinate his review with the State Traffic Engineer if there are any safety or operational concerns involving the highway. The State Utility Engineer shall present the permit to the Chief Engineer and/or the FHWA for review and final approval.

If it is determined that the District has submitted a permit package with insufficient documentation, a letter should be drafted within **seven (7) working days** informing the District that the permit will be placed on hold until the additional documentation is supplied. The letter should include a listing of what documentation is needed. The permit process will continue once the information is received.

When a complete permit package is received, the State Traffic Engineer or State Utility Engineer will have **fourteen (14) working days** to review the permit package and forward the permit, all documentation, and a letter of recommendation to the Chief Engineer. The Chief Engineer will have **fourteen (14) working days** to review and sign the permit application and return it to the State Traffic Engineer or State Utility Engineer.

When required, an additional **fourteen (14) working days** will be allowed for FHWA to review and sign the permit application and return it to either the State Traffic Engineer or State Utility Engineer.

If the Chief Engineer denies the application, refer to [Section 3.19, Appeals](#), for the appropriate procedures.

If the Chief Engineer approves the permit, the signed original will be returned by the State Traffic Engineer to the District for final processing. The District should notify the applicant in writing of permit approval within **seven (7) working days**. All original documents, including special provisions, standard drawings, and permit requirements shall be sent to the applicant at that time.

The District shall send a copy of the permit and all pertinent documents to the appropriate District Maintenance Foreman, and retain a complete copy of the permit package in the permit office files.

In accepting a permit, the permittee, their successors and assigns, shall agree to hold the Department harmless from any liability caused by the installation, construction, removal, maintenance, or operation of the encroachment(s) and/or approach(es).

3.16 Variance Policy

Access management standards and procedures set minimum requirements that should be met or exceeded under normal conditions. However, unique conditions can make the application of standards or policies impractical or impossible. Thus, the District can consider variances when practicable.

All variances that recommend allowing permit requirements which are less restrictive than Department policy, shall be approved by the Chief Engineer or his designee.

The Idaho Transportation Department shall administer requests for variances to access management standards and policies through an application and appeals process to ensure statewide consistency. The initial review of applications by the District shall include consideration of Department standards and the practicability of allowing a variance to those standards.

If, after consideration of Department standards and variances, an application is denied, applications may be appealed following the procedures outlined in [section 3.19, Appeals](#).

All variances on the Interstate must have the approval of the Federal Highway Administration (FHWA).

This variance policy shall apply under the following circumstances:

- Any time a proposed request for an approach, utility, or other permanent encroachment does not meet ITD adopted access management standards or policies.
- Any time a proposed access management treatment (such as, but not limited to, median treatments or grade-separated interchanges) does not meet ITD adopted access management standards or policies.

Variances shall not cause a reduction in traffic safety, operational efficiency, or functional integrity of each highway classification. A more restrictive variance policy is in effect as the level of access control becomes more stringent.

A request for a variance **may** receive favorable consideration under the following conditions:

- A court order.

- If the variance offers an opportunity to accommodate a joint-use access serving two or more properties abutting the State highway.
- If the variance would improve traffic safety or operations.
- If the variance allows access to a landlocked parcel having no reasonable alternative access and having no significant impacts to safety or traffic operations.
- If a strict application of the access management standards would result in a safety or traffic operation problem.
- If the variance results from the existence of obstructions which are unable to be relocated, such as bridges, waterways, parks, historic or archaeological areas, cemeteries, or unique natural features.
- If the variance reduces environmental impacts.
- If the variance would allow the installation of a utility facility when no other alternatives are feasible from an engineering or economic approach.
- If, within rural locations, the State can determine that costs associated with a Traffic Impact Study can be best applied toward related safety improvements.

A request for a variance may **not** receive favorable consideration under the following conditions:

- If State highway access control has been purchased.
- If options for meeting access management standards have not been considered or addressed.
- If the variance would negatively impact safety.
- If the variance would degrade traffic operations of the system.
- If reasonable alternative access is available.
- If the proposed variance does not meet the design standards of the ITD Design Manual and there are no reasonable grounds for a design exception.
- If the variance would adversely affect local planning and zoning for future land development.
- If the variance would adversely affect the environment.

- If the variance is requested due to a hardship created by the landowner or business. This includes but is not limited to subdivision or partitioning of the property, conditions created by the proposed building footprint or location or on-site parking or circulation, or where the access management standards can be met but the result would be higher site development cost.

Variances to signal spacing guidelines ([see section 4.5.1](#)) should be considered only if an engineering study documents that a closer signal spacing meets the same operating requirements, that the signals could be operated with no significant delays to the major traffic flow, and it can be shown that the variance would confer a benefit to a majority of the highway users on the State Highway System. This study should address not only current operations but also future operations with projected traffic recommended mitigation measures.

3.17 Permit Compliance & Expiration

At the time of permit issuance, the Department shall provide the permittee with current ITD Standard Drawings and special provisions as they relate to construction of an approach or other encroachment. The permittee shall be required to comply with all standard drawings, special provisions, and applicable sections of the standards and procedures contained herein.

The permittee shall provide the contractor, if utilized, a copy of the applicable permit(s) and all special provisions. The permittee or contractor shall keep a copy of this permit and special provisions at the work site at all times while work is in progress.

If work does not begin immediately, the permittee shall notify the District **five (5) working days** prior to commencing any permitted work. All permitted work shall be completed and available for a final inspection by the Department within thirty (30) days after construction begins, unless otherwise stated in the special provisions of the permit.

When the permitted work is not completed within one (1) year of issuance of the permit, the permit shall be considered void. At the discretion of the District Engineer, a one-time extension, not to exceed six (6) months, may be granted if a written request is received from the permittee prior to the expiration date. If the extension expires before completion of the work, a new application shall be made including the applicable permit fee. If an extension is not granted, the applicant shall be notified in writing by the District, and the applicant may appeal the decision as discussed in section 3.19, Appeals.

The effective time period for temporary permits shall not exceed one (1) calendar year. If additional encroachment time is required, a new application shall be processed at the expiration of the existing permit. All temporary encroachments shall be removed within ten (10) days following the expiration of the permit.

If a permanent boundary survey marker is disturbed during the performance of work associated with an approved encroachment permit, the permittee shall be held responsible for obtaining the services of a professional land surveyor licensed in the state of Idaho to replace the permanent boundary survey marker to its proper location as determined by the Department. The permittee shall be held responsible for any and all costs associated with repairing, replacing, or relocating the permanent boundary survey marker. This shall include but not be limited to compensation based on actual cost to the Department for any and all costs incurred by the Department in having the permanent boundary marker repaired, replaced or relocated. In addition the permittee may be held liable under Idaho Code 54-1234. **MONUMENTATION – PENALTY AND LIABILITY FOR DEFACING**

3.18 Unauthorized & Non-Standard Encroachments

All legally documented encroachments that were in existence prior to March 17, 2001, are given **GRANDFATHERED** rights of existence. The key phrase being LEGALLY DOCUMENTED, which means that the OWNER of an encroachment must provide documentation to prove that the encroachment has been legally placed on the State Highway System. The burden being on the Owner, however the Department should work jointly with the owner of the encroachment to facilitate their documentation of the encroachment. Undocumented encroachments shall not be given grandfathered rights, but shall be reviewed with the property owner to determine if the encroachment should be allowed to remain. All encroachments allowed to remain must meet the requirements of the Department's encroachment policy and must be submitted for approval on a completed encroachment permit. If approved the encroachment must be documented by completing the permit process as stated in the Department's encroachment policy.

LEGALLY DOCUMENTED -- To be legally documented an encroachment must meet one of the following conditions:

- Documented in legal documents between the State of Idaho and a property owner, his successors or assigns; or
- Constructed during a construction project approved by the Idaho Transportation Board; or
- Allowed by an encroachment permit approved by the Department.

Approaches and other encroachments on State highway rights-of-way that are installed without an approved State highway right-of-way permit, or not constructed in accordance with the ITD requirements as stated in the permit, or are naturally occurring adjacent to the State highway right-of-way line and create a hazard, are prohibited and will not be allowed to remain. Unauthorized and non-standard encroachments shall not be used until corrective action is taken (see section 1.4, Prohibited Activities and Encroachments). District Engineers shall ensure District compliance with all applicable laws and Department

policies relating to the removal or correction of unauthorized and non-standard encroachments.

The Board, by and through the Chief Engineer, may consummate agreements with cities and villages whereby they may exercise their police powers on those matters relating to unauthorized and non-standard encroachments within their jurisdiction.

In accordance with IDAPA 39.03.42, “Rules Governing Use of State Right-of-Way”, Administrative Policy A-12-01, and Idaho Code 40-2319, the following procedures shall be followed by each District (see section 1.4, Prohibited Activities and Encroachments):

- The area Maintenance Foreman shall identify and contact the owner of the unauthorized or non-standard encroachment to orally request a plan for immediate corrective action. The actions taken to locate and notify the owner shall be recorded in the Foreman’s diary. When notice is given, use form DH-776 (see sample in [Appendix B](#)).
- When a permitted encroachment does not meet ITD construction standards, the permittee shall be given one (1) month to upgrade encroachment to the permit standards. Time extensions may be approved by the District Engineer. The one-month period may be shortened if an imminent or immediate threat to the safety of the traveling public is present. If the permittee does not comply, the permit shall be revoked and the encroachment removed.
- Non-permitted encroachments are unauthorized shall not be allowed to remain without an approved right-of-way encroachment permit. The application process shall be initiated immediately, when applicable. If the encroachment is such that a permit cannot be approved, the encroachment shall be removed.
- Failure to remove the encroachment within forty-eight (48) hours shall be followed by a certified letter from the District Engineer requesting removal within ten (10) days. If the encroachment is still not removed, the District Engineer shall contact the Legal section to initiate legal action. The District Engineer may order District personnel to take immediate corrective action when time is of the essence.
- The applicant may be held liable for injury or damages caused by the unauthorized or non-standard encroachment. The Department shall make no reimbursement for removal of unauthorized or non-standard encroachments nor shall compensation be made for any losses that may arise from their removal. The Department may initiate legal action to recover costs for the removal of unauthorized or non-standard encroachments.

3.19 Appeals

When the District initially denies an application, the applicant shall be notified of the denial by certified letter within **7 working days** after completion of the review. The applicant

may appeal this denial in writing to the District Traffic office within **thirty (30) days** of receipt of notification.

The appeal process officially commences on the date the District receives notification of appeal from the appellant. It shall be the responsibility of District and Headquarters' Traffic personnel to establish and maintain a tracking system to ensure the timely progression of each stage of the appeal process. The time required to complete each stage of the appeal process may be affected by the availability of documentation or personnel and is intended to establish a working guideline. It is recommended that the District conduct a review of each appeal in order to facilitate and expedite this process. During review of the appeal by the District, State Traffic Engineer, and the Chief Engineer, the local highway agency should be included if they were involved in the approval process.

Initial Appeal Process:

The District will have **fourteen (14) working days** to review the appeal. If the District does not overturn its original denial, the appeal along with all related documentation and a letter of explanation for the denial shall be immediately forwarded to the State Traffic Engineer. The appellant shall be notified immediately by certified mail that his denial was not overturned at the District level and is being forwarded to the State Traffic Engineer. If the appeal is overturned, the appellant shall be notified immediately by certified mail and the District shall proceed to finalize the permitting process in accordance with the provisions in section **3.14** or **3.15**.

Upon receipt of the complete appeal package, the State Traffic Engineer will have **fourteen (14) working days** to review and prepare it for the Chief Engineer's review. If the State Traffic Engineer determines that insufficient documentation was submitted with the appeal, a letter shall be drafted within **seven (7) working days** informing the District and the applicant that the appeal will be placed on hold until additional documentation is supplied. Insufficient documentation may include any applicant or agency supplied material that is essential to the review of the case. The District shall expedite the provision of this documentation. When all documentation is received, the appeal process will continue.

Upon receipt of the complete appeal package, the Chief Engineer will have **fourteen (14) working days** to review it and notify the State Traffic Engineer of his decision. Following a review of the appeal by the Chief Engineer, the applicant will be notified as follows:

- If the Chief Engineer overturns the denial, the State Traffic Engineer will notify the appellant **within seven (7) working days** by certified mail of the Chief Engineer's decision to approve the encroachment. The original application, all accompanying documentation, and a copy of the certified letter will be returned to the District to finalize the permitting process.
- If the Chief Engineer upholds the denial, the State Traffic Engineer will notify the appellant **within seven (7) working days** by certified mail of the Chief Engineer's decision to deny the encroachment. The original permit and all accompanying documentation will be returned to the appellant. A copy of the denial letter and all accompanying documentation will be returned to the District for their files.

Secondary Appeal Process:

If the appellant is not satisfied with the Chief Engineer's decision, a continuation of the appeal process may be initiated in accordance with Idaho Code Title 67, Chapter 52, Idaho Administrative Procedures Act (IDAPA) in accordance with the Model Rules of Practice and Procedures of the Idaho Attorney General (IDAPA 02.11.01, et seq.), as applicable. The appellant has **thirty (30) days** following notification of denial by the Chief Engineer to contact the ITD Legal section in writing to continue the appeals process.

IV. Approaches: Location and Design Standards

4.1 General Approach Requirements

The approved ITD-2109, Right-of-Way Encroachment Application and Permit - Approaches and Other Encroachments, shall include all applicable special provisions, variances, standard drawings, legal documents, and any additional requirements placed on the permit by the Department.

The Department reserves the right to make any additions, modifications, relocations, or removals to any approach or its appurtenances within the State highway right-of-way when necessary for maintenance, rehabilitation, reconstruction, or relocation of the State highway and/or to provide proper protection of life and property on, or adjacent to, the State highway.

DETERMINING NUMBER OF APPROACHES ALLOWED

| Method of Access | Full Control | Partial Control | | | | ITD Spacing Standards |
|-------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|---|-----------------------------------------------------------------------------|
| | V | IV | III | II | I | |
| Public Road Connections | Via interchange ramps only. | Per ITD spacing standards or as shown on project plans. | | | | As established in: IDAPA 39.03.42 |
| Existing Approaches | Interchange only. | Frontage road and joint use is encouraged. Public roads and private approaches must meet ITD spacing standards. | <u>Urban</u> Maximum is 4/mile per side. <u>Rural</u> Maximum is 3/mile per side. | As shown on the project plans or right-of-way documents. | | "Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way" |
| New Approaches | Prohibited except for interchanges. | Frontage road access ONLY. Must meet ITD spacing standards. | Frontage road and joint use is encouraged. <u>Urban</u> Maximum is 4/mile per side. <u>Rural</u> Maximum is 3/mile per side. | Must meet ITD spacing standards. | | Intersections, approaches, and signals must meet ITD spacing standards. |

The Department's goal is four (4) approaches per side per mile in Urban areas and three (3) approaches per side per mile in Rural sections. This would include all existing approaches plus any additional approaches. Minimum spacing standards must meet

requirements stated in this document. See **TABLE 4.5.1.1 MINIMUM APPROACH AND SIGNAL SPACING**

The location, design, construction, and operation of all approaches shall comply with the geometric standards and design principles presented in **sections 4.5, Design Principles & Restrictions**, of these standards and procedures. Urban and rural approaches shall conform to all Department standards as shown on the ITD special provisions and the ITD-2109. Forms and standard drawings are available at any District office.

The following access management guidelines shall be considered on applications for approaches:

- Approaches should be designed for current and future property access requirements.
- Methods of reducing the frequency of conflicts associated with ingress and egress movements shall be applied on all approaches as follows:
 - Apply site specific needs such as channelization, auxiliary lanes, approach offsets, signals, boulevard approaches, joint-use approaches, frontage roads, and restricted on-street parking.
 - Place primary access to properties with frontage to more than one roadway from the roadway with the lowest functional class.
 - Design approaches with internal supporting roadways to eliminate ingress and egress vehicular stacking and parking within the approach, especially approaches to businesses.
 - Design traffic flows into and out of a business, whenever possible, to utilize existing local roads. Locate the property entrance from the local road, and use existing approaches along the traveled way as exits only. If local roads are not available, utilize existing approaches as right-ins, right-outs from the business onto the State highway.
- Design parking lots with internal circulation around access points.
- Alleys shall conform to approach standards and maintain sidewalk continuity across the approach.
- Encourage joint-use approaches for access at common boundaries between adjoining properties to provide access to smaller land parcels and reduce the number of approaches adjacent to major intersections or along arterials.
- Encourage agreements between adjacent property owners to allow travel across common property boundaries for access to each property, parking, traffic circulation, and street access near major intersections to improve business access and street access management.

- The installation of a physical barrier along property frontage shall be encouraged to prevent uncontrolled access. The control of access can be accomplished by placement of barriers, berms, curbs, fences, or plantings adjacent to the roadway or shoulder.

Failure to comply with the requirements and/or recommendations contained herein may be sufficient cause for the Department to deny an approach application, prohibit specific approach usage, or remove an existing approach.

4.2 Approaches For Major Developments (TIS)

New land developments and expansions of existing developments can have a significant impact on the transportation system, particularly if there is not adequate planning and consideration of system improvements that may be needed. A Transportation Impact Study (TIS) is a comprehensive study that analyzes all surface transportation modes, including pedestrians, bicycles, vehicles, and other public transportation services, that would be affected by a development. The impact analysis area is generally larger than just the immediate site. The TIS describes the transportation improvements necessary to accommodate the traffic volumes generated by the development. These improvements could include right and/or left turn lanes, additional through lanes, acceleration lanes, bicycle lanes, bus stops, sidewalks, medians, traffic signals, removal and/or consolidation of existing approaches, etc. The TIS documents the extent of the impact of the proposed development on the State Highway System, including additional trips, resulting level of service during AM and PM peaks, and the need for auxiliary lanes or other special capacity or safety features. All documented improvements that are required as a result of the impacts placed on the State Highway System by a development shall be paid for by the development. The Department must document compliance with all signal warrants and obtain a signed cooperative signal agreement between the parties involved for all signals installed on the State Highway System.

The TIS shall be prepared in accordance with the latest version of Board Policy B-12-06, “Requirements for Transportation Impact Study”, available from any District office. The developer shall coordinate the study with the District Traffic Engineer. The developer shall provide and pay for the study, which shall be conducted by an engineer that is licensed in the State of Idaho.

For changes effecting safety or traffic operations on the state highway system including, but not limited to striping, channelization, signalization and/or changes in access, the Transportation Impact Study (TIS) shall include a document from the developer stating that adjacent and/or affected property owners and businesses have been contacted and that impacts to their property have been discussed. The document shall list the names and addresses of all adjacent and/or affected property owners and businesses who were contacted.

After a *Right-of-Way Encroachment Application and Permit - Approaches and Other Encroachments* (ITD-2109) has been submitted and reviewed by the Department, a TIS may be required under the following conditions:

- A “full” TIS shall be required for developments that will generate 100 or more new trips per hour (total two-way traffic) during the highway’s peak hour, or when the total added volume will equal or exceed 1000 vehicles per day (or a lesser volume when specified by the Department).
- A “minor” TIS is required for developments that will generate between 25 and 99 new peak hour trips or will add from 250 to 999 vehicles per day. The “minor” TIS shall document the extent of the impact of the proposed development on the State Highway System, including additional trips, resulting level of service during AM and PM peaks, and the need for auxiliary lanes or other special capacity or safety features. Any required changes in traffic control, land use, access, pedestrian, or bicycle usage shall also be discussed.

While the number of trips described above is designed to define the type of TIS required, the ADT and level of service of the existing roadway in combination with the number of trips may dictate the need for a “full” TIS. In rural areas, the TIS requirement may be waived under variance considerations. The District office shall make the final decision regarding requirements for a TIS.

When permitting approaches the maximum number of approaches should be addressed and the number of approaches reduced to a minimum. This can be accomplished through the use of frontage roads, joint use approaches or the elimination of unnecessary approaches. The Department’s goal is four (4) approaches per side per mile in Urban areas and three (3) approaches per side per mile in Rural sections. This would include all existing approaches plus any additional approaches. Minimum spacing standards must meet requirements stated in this document. See [TABLE 4.5.1.1 MINIMUM APPROACH AND SIGNAL SPACING](#)

4.3 Auxiliary Lanes

All public-use approaches to the State Highway System, including private approaches to subdivisions and/or roadside businesses, shall be reviewed for the need to provide turn lanes, deceleration lanes, and acceleration lanes on the State highway prior to issuing approach permits.

Consideration of auxiliary lane requirements shall be supported by an engineering study that considers the following factors:

- Operating speed of the State highway;
- Traffic volumes;
- Projected turning movement volumes;
- Availability of passing opportunities;
- Sight distance (both stopping and intersection); and
- Past collision history and/or potential for collisions.

If the engineering study does not support justification for an auxiliary lane, the lane may not be approved. If the Department determines a need for an auxiliary lane to enhance motorist safety as a result of increased traffic volumes generated by an existing roadside business, the business owner will be required to participate in the cost either by monetary means and/or property frontage donation. Auxiliary lanes shall not be constructed to enhance a new roadside business, unless the applicant is willing to pay the full cost.

When the need for an auxiliary lane is the result of a planned development, and the requirement for an auxiliary lane is met, the lane shall be paid for by the developer(s). Where a warrant for an auxiliary lane exists prior to an application for a planned development, the developer(s) may not be required to pay for lane construction unless such construction precedes the Department's schedule for construction of the auxiliary lane.

4.3.1 Left-Turn Lanes

A left turn lane shall be considered on all State highways where an engineering study, the posted speed limit, and through traffic volumes and/or left turning traffic volumes on the traveled way justify its installation. Left turn lanes shall also be considered if there have been an average of four accidents per year over a five-year period at an existing approach or if that number of accidents could be expected to occur as a result of a new approach without turn lanes.

The effect that a left turn lane will have on restricting passing opportunities shall be weighed against the safety benefit the left turn lane may provide. On a State highway section where passing opportunities are critical, the adverse effect that construction of a left turn lane would have on the capacity of that roadway section may be more significant than the safety benefit from the left turn lane.

Intersections and approaches which meet the warrants for the installation of a left turn deceleration lane shall be designed with sufficient pavement width to provide for a left turn lane with adequate storage length and the appropriate taper length for the posted speed limit (see [Appendix C](#)).

4.3.2 Right-Turn Lanes

A right turn lane shall be considered on all State highways where an engineering study, the posted speed limit, and through traffic volumes and/or left turning traffic volumes on the traveled way justify its installation. Right turn lanes shall also be considered if there have been an average of four accidents per year over a five-year period at an existing approach or if that number of accidents could be expected to occur as a result of a new approach without turn lanes.

Intersections and approaches which meet the warrants for the installation of a right turn deceleration lane shall be designed with sufficient pavement width to provide for a right turn lane with adequate storage length and the appropriate taper length for the posted speed limit (see [Appendix C](#)). Where the existing paved shoulder is of adequate width, it may

be possible to adjust the pavement markings to provide a sufficient right turn lane without widening the road.

4.4 Medians

The placement of medians and the location of median openings should be managed on the State Highway System to enhance the efficiency and safety of the highways and to influence and support land use development patterns consistent with approved transportation system planning.

The installation of a median promotes the safe and efficient movement of traffic by reducing the number of collisions, providing speed change and storage lanes for left-turning and U-turning vehicles, and provides a refuge space for pedestrians. Median control is the principal access control measure to protect transportation facilities, corridors, and sites for their identified functions.

4.4.1 Median Directives

The design and placement of medians on the State Highway System shall address the following:

- Medians should be used on all State highways where a traffic engineering study indicates that medians would be beneficial to control access, maintain street capacity, and improve traffic safety.
- When medians are selected, non-traversable medians are the preferred median type; however, traversable medians in urban areas may be considered to facilitate emergency vehicles.
- Pedestrian/bicycle safety shall be given consideration in the choice and design of medians in areas that are frequently used by pedestrians/bicycles.
- Construction requirements for all new and/or modified public approaches to the State highway right-of-way, including private approaches to subdivisions and/or businesses, shall be reviewed for the need to place medians on the State highway.
- All median openings shall be designed with a left turn lane and sufficient storage for left turning traffic.
- Channelization formed by raised curbs, solid painted islands, left turn lanes, or other traffic control installations may be required to create a mandatory right-in/right-out approach condition.
- Median openings allowing U-turns shall be provided only at locations having sufficient roadway width.

4.4.2 Use of Medians

Implementation of medians should be considered for:

- All new multi-lane State highways.
- Modernization of all multi-lane State highways where posted speeds are 45 mph or greater.
- All undivided State highways where the annual collision rate is greater than the statewide annual average collision rate for similar roadways.
- All State highways when the average daily traffic (ADT) exceeds 28,000 vehicles per day, both directions.
- All multi-lane State highways undergoing resurfacing, restoration, and rehabilitation improvements.
- State highways, where pedestrians/bicycles are unable to safely cross the entire highway width, as demonstrated by a collision rate that is greater than the statewide annual average collision rate for similar roadways.

4.4.3 Placement of Openings in Medians

Full median openings shall be placed on multi-lane State highways subject to the following guidelines of [Table 4.5.1.1](#):

- At all signalized intersections.
- At locations which currently meet the criteria for a signal warrant and fulfill traffic signal coordination requirements.

Full median openings may also be placed at:

- At locations that are anticipated to meet future traffic signal considerations.
- At locations where there will be no significant reduction in safety or operational efficiency. This shall be documented by an engineering analysis, approved by the Department.

4.4.4 Use of Continuous Two-Way Left Turn Lanes

Continuous two-way left turn lanes may be considered on urban, two-lane State highways with a posted speed of 45 mph or less. Where a posted speed is greater than 45 mph, placement of a non-traversable median should be considered. Additional travel lanes may be required in order to maintain the level of service since passing opportunity is lost when these are installed on a two-lane facility.

4.5 Design Principles & Restrictions

Design principles for the border area, setbacks, approach locations, base and surfacing, and irrigation and drainage shall meet minimum standards set by the Department Design Manual, ITD special provisions and standard drawings, and the requirements contained herein.

Approaches shall be located where the highway alignment and profile meet approved geometric standards, i.e., away from short radius curves, steep grades, or where the sight distance would not be adequate for safe traffic operations. Approaches shall also be located so as not to create undue interference with, or hazard to, the free movement of normal highway or pedestrian/bicycle traffic or cause areas of congestion. Approach locations that restrict or interfere with the placement or proper functioning of traffic control signs, signals, lighting, or other devices shall also be avoided.

Failure to comply with minimum requirements of these standards and procedures is sufficient cause for the Department to deny an approach or signal location, prohibit specific approach usage, or revoke an existing approach permit.

The following design restrictions shall be considered on each *Right-of-Way Encroachment Application and Permit - Approaches and Other Encroachments* (ITD-2109):

- Highway alignment and grade
- Auxiliary Lanes
- Medians
- Approach and signal spacing
- Corner clearances
- Approach alignment
- Approach width
- Property line clearances
- Setback and sight distance (minimum and preferred)
- Approach transitions and flares
- Approach radii
- Approach grades
- Underground utilities

4.5.1 Approach and Signal Spacing

In order to maintain system capacity, safety and efficiency, maximize signal progression, and minimize delays to the traveling public, all approaches and signals shall be spaced in accordance with the standards of Table 4.5.1.1. unless a fully documented variance has been given by the Chief Engineer. Variances to the spacing standards shall not be permitted unless a Transportation Impact Study is completed (see [section 4.2, Approaches for Major Developments](#)) and a need can be demonstrated for the requested variance.

Minimum spacing standards shown in Table 4.5.1.1 are **REQUIRED** for new alignments and are recommended goals of the Department for all changes in existing access.

TABLE 4.5.1.1

MINIMUM APPROACH AND SIGNAL SPACING

| ACCESS TYPE | URBAN/ RURAL | TYPE | APPROACHES | | SIGNALS | FRONTAGE ROADS |
|----------------|--------------------------------------------------------|--------------------------|------------------------|---------------------------------|-------------------|--------------------|
| | | | PUBLIC ROAD SPACING | PVT/COMM APPROACH SPACING | SIGNAL SPACING | |
| I | Urban sections shall be upgraded to Type II or greater | | | | | |
| | R | At-grade | 1.6 km (1 mi.) | .15 km (500') | 1.6 km (1 mi.) | SEE NOTE 2 |
| II | U | At-grade | .8 km (.5 mi.) | 30.48 m (100') | 1.6 km (1 mi.) | SEE NOTE 2 |
| | R | At-grade | 1.6 km (1 mi.) | .15 km (500') | 1.6 km (1 mi.) | SEE NOTE 2 |
| III | U | At-grade/ Interchange | .8 km (.5 mi.) | 30.48 m (100') | 1.6 km (1 mi.) | SEE NOTE 2 |
| | R | At-grade/ Interchange | 1.6 km (1 mi.) | .15 km (500') | 1.6 km (1 mi.) | SEE NOTE 2 |
| IV | U | At-grade/ Interchange | .8 km (.5 mi.) | SEE NOTE 1 | 1.6 km (1 mi.) | SEE NOTE 2 |
| | R | At-grade/ Interchange | 1.6 km (1 mi.) | SEE NOTE 1 | 1.6 km (1 mi.) | SEE NOTE 2 |
| V | U | Interchange | 1.6 km (1 mi.) | SEE NOTE 1 | None | .4 km (.25 mi.) |
| | R | Interchange | 4.8 km (3 mi.) | SEE NOTE 1 | None | .4 km (.25 mi.) |

All distances shown in the above chart are minimums and may be increased to meet safety or design criteria. The distance between approaches/public roads is measured along the curb line or outside edge of the shoulder between the nearest edges of adjacent approaches/public roads, excluding the flares, transitions, or radii (see Figures 1.5.1 and 1.5.2). At no time shall the distance between approaches/public roads be such that the curb approach transition or radii of an approach encroaches upon the transition or radii of an adjacent approach.

NOTE 1:

TYPE IV – PRIVATE OR COMMERCIAL APPROACHES -- Requests for new approaches and all requests for changes in existing access in Type IV access control shall be required to meet or exceed the minimum spacing standards stated in TYPE III and have prior legal rights of access, unless a variance of policy has been approved by the Chief Engineer.

TYPE V – SIGNALS AT INTERCHANGES ONLY, NO APPROACHES ALLOWED.

NOTE 2:

FRONTAGE ROAD -- CONNECTION TO THE PRIMARY HIGHWAY

Frontage road connections shall meet the minimum spacing requirements for approaches as shown in TABLE 4.5.1.1, MINIMUM APPROACH AND SIGNAL SPACING, except as follows:

- When frontage road or parallel access road connections are ONLY to a state highway the minimum distance required between the centerline of both connections shall be the minimum spacing requirement as shown in TABLE 4.5.1.1, MINIMUM APPROACH AND SIGNAL SPACING.
- When a frontage road connects to a roadway near an interchange the minimum distance required between the centerline of the nearest interchange ramp and the centerline of the intersecting frontage road connection shall be .4km (.25 miles) or as determined by the Department.
- If an engineering study shows that the minimum distance in TABLE 4.5.1.1. would adversely affect either the safety or operation of the highway the distance may be modified if documented by the District and approved by the Chief Engineer. See Section 3.16 Variance Policy.

FRONTAGE ROAD -- CONNECTION TO SECONDARY ROADWAYS

Frontage road distance for connections to secondary roadways is measured from the intersecting centerlines of a primary highway and secondary roadway to a point on the secondary roadway at which the centerline of the new frontage road intersects. Minimum frontage road distance shall be .15 km (500 feet) except as follows:

- When a frontage road connects to a roadway near an interchange the minimum distance shall be .4km (.25 miles) measured from the centerline of the frontage road connection to the secondary roadway to the centerline connection of the nearest ramp with the secondary roadway or as determined by the Department.

If an engineering study shows that the minimum distance of .15 km (500 feet) would adversely affect either the safety or operation of the highway the distance may be modified if documented by the District and approved by the Chief Engineer. See Section 3.16 Variance Policy.

No traffic signal location shall be authorized without meeting ITD signal warrant requirements (see section 12-302.3, Traffic Signal Warrants, of the Traffic Manual) and a signal operational analysis. In selecting locations for traffic signals, preference shall be given to State highways that meet or may be reasonably expected to meet signal warrants within five years.

During construction projects or when permitting approaches the maximum number of approaches should be addressed. Whenever and wherever possible the number of approaches should be reduced through the use of frontage roads, backage roads, joint use approaches or the elimination of unnecessary approaches. This may be accomplished through the purchase of access or negotiation with the property owners for access rights.

4.5.2 Corner Clearances

In order to maintain system capacity, safety and efficiency, maximize signal progression, and minimize delays to the traveling public, all approaches should be located as far as possible from intersections to:

- Preserve visibility at the intersection;

- Permit a vehicle to enter an approach with a minimum of interference to an intersection; and
- Allow a vehicle to exit from the approach to a desired travel lane before entering an intersection or turning lanes;
- Facilitate the installation of traffic signs, signals and lighting.

The approach transition, flare, or radius shall in no case encroach upon the curb or pavement edge forming the corner radii of the intersection.

All proposals for multiple approaches shall consider the use of frontage roads or joint-use approaches to connect and reduce the number of approaches to a single approach.

In addition to the minimum corner clearance requirements, an approach to a divided State highway may be restricted to a right-turn in and a right-turn out. Refer to [Figure 4.5.2.1](#) to identify minimum corner clearances for urban and rural intersections (i.e. letters “A” through “E”). The shaded area indicates a non-traversable median (i.e. right-in, right-out access only).

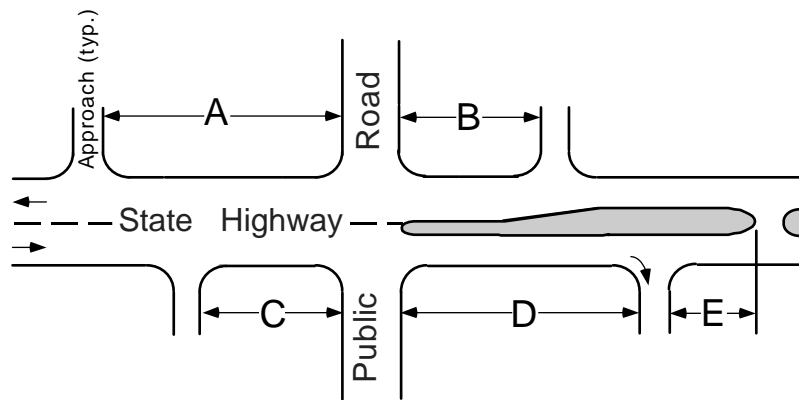


Figure 4.5.2.1

All corner clearances between approaches shall be in accordance with the standards of Tables 4.5.2.1 and 4.5.2.2. Distances are measured from the edge of the traveled way.

TABLE 4.5.2.1

**MINIMUM CORNER CLEARANCES
SIGNALIZED INTERSECTIONS**

| ACCESS TYPE | RURAL | | | | | URBAN | | | | |
|----------------|--------------------|--------------------|--------------------|--------------------|------------------|-------------------|-------------------|-------------------|-------------------|----------------|
| | A | B | C | D | E | A | B | C | D | E |
| I | 106.7 m (350') | 51.8 m (170') | 106.7 m (350') | 106.7 m (350') | 0' | NA | NA | NA | NA | NA |
| II | 121.9 m (400') | 61 m (200') | 121.9 m (400') | 121.9 m (400') | 15.2 m (50') | 61 m (200') | 30.5 m (100') | 61 m (200') | 61 m (200') | 7.6 m (25') |
| III | 140.2 m (460') | 70.1 m (230') | 140.2 m (460') | 140.2 m (460') | 45.7 m (150') | 70.1 m (230') | 35.1 m (115') | 70.1 m (230') | 70.1 m (230') | 3.3 m (75') |
| IV | 1.6 km (5,280') | 1.6 km (5,280') | 1.6 km (5,280') | 1.6 km (5,280') | NA | .8 km (2,640') | .8 km (2,640') | .8 km (2,640') | .8 km (2,640') | NA |
| V | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA |

TABLE 4.5.2.2

**MINIMUM CORNER CLEARANCES
UNSIGNALIZED INTERSECTIONS**

| ACCESS TYPE | RURAL | | | | | URBAN | | | | |
|----------------|--------------------|--------------------|--------------------|--------------------|------------------|-------------------|-------------------|-------------------|-------------------|-----------------|
| | A | B | C | D | E | A | B | C | D | E |
| I | 45.7 m (150') | 51.8 m (170') | 51.8 m (170') | 45.7 m (150') | 0' | NA | NA | NA | NA | NA |
| II | 57.9 m (190') | 61 m (200') | 51.8 m (170') | 57.9 m (190') | 15.2 m (50') | 29 m (95') | 30.5 m (100') | 25.9 m (85') | 29 m (95') | 7.6 m (25') |
| III | 70.1 m (230') | 70.1 m (230') | 51.8 m (170') | 70.1 m (230') | 45.7 m (150') | 35.1 m (115') | 35.1 m (115') | 25.9 m (85') | 35.1 m (115') | 22.9 m (75') |
| IV | 1.6 km (5,280') | 1.6 km (5,280') | 1.6 km (5,280') | 1.6 km (5,280') | NA | .8 km (2,640') | .8 km (2,640') | .8 km (2,640') | .8 km (2,640') | NA |
| V | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA |

Variances to the spacing standards shall not be permitted unless a Transportation Impact Study is completed (see [section 4.2, Approaches for Major Developments](#)) and a need can be demonstrated for the variance.

4.5.3 Approach Alignment

Whenever possible, all new or relocated approaches shall be aligned on centerline with existing approaches to facilitate highway safety and the development and use of turn lanes and/or signals.

Approaches should intersect the State highway at right angles whenever possible. When two approaches on one frontage are used for right-in/right-out access due to turning movement restrictions, such as center medians or turn lanes, the approaches should be constructed in accordance with the ITD Standard Drawings H-2-A(m) or H-4-A(m):

- Right-in (ingress) skew angles: between 0° and -20° is recommended; skews shall be no more than -45°.
- Right-out (egress) skew angles: between 0° and +20° is recommended; skews shall be no greater than +45°.

4.5.4 Approach Width & Radius

An approach shall be wide enough to properly serve the anticipated type and volume of traffic. Widths and radii for various types of approaches are shown in [Table 4.5.4.1](#). Minimum widths shall only be used only when space limitations apply.

TABLE 4.5.4.1

APPROACH WIDTHS & RADII

| APPROACH USE | < 35 MPH | | > 35 MPH | | RADII | |
|-------------------------------------|--------------|--------------|--------------|--------------|--------------------|--------------|
| | MINIMUM | MAXIMUM | MINIMUM | MAXIMUM | MINIMUM | MAXIMUM |
| Single Residential, Farmyard, Field | 3.7 m (12') | 12.2 m (40') | 6.1 m (20') | 12.2 m (40') | 6.1 m (20') | 9.1 m (30') |
| Joint-Use Residential/Farm | 7.6 m (25') | 12.2 m (40') | 7.6 m (25') | 12.2 m (40') | 6.1 m (20') | 9.1 m (30') |
| Multiple Residential | 8.5 m (28') | 12.2 m (40') | 8.5 m (28') | 12.2 m (40') | 6.1 m (20') | 9.1 m (30') |
| Commercial (One-Way) | 4.6 m (15') | 9.1 m (30') | 6.1 m (20') | 9.1 m (30') | 9.1 m (30') | 12.2 m (40') |
| Commercial (Two-Way) | 7.6 m (25') | 12.2 m (40') | 7.6 m (25') | 12.2 m (40') | 9.1 m (30') | 12.2 m (40') |
| Boulevard Approach | 25.6 m (84') | 25.6 m (84') | 25.6 m (84') | 25.6 m (84') | See Figure 4.5.4.1 | |
| Joint-Use Commercial (One-Way) | 4.6 m (15') | 9.1 m (30') | 6.1 m (20') | 9.1 m (30') | 9.1 m (30') | 12.2 m (40') |
| Joint-Use Commercial (Two-Way) | 7.6 m (25') | 12.2 m (40') | 7.6 m (25') | 12.2 m (40') | 9.1 m (30') | 12.2 m (40') |
| Public Road | 8.5 m (28') | N/A | 8.5 m (28') | N/A | 9.1 m (30') | 15.2 m (50') |

All approaches, with the exception of a Boulevard Approach, shall be constructed in accordance with ITD Standard Drawings H-2-A(m) and H-4-A(m).

An approach that is adjacent to a public alley may include the alley as part of the approach if approved by the local jurisdiction; however, the width of the combined approach shall not exceed 12.2 meters (40 feet).

Commercial approaches with volumes exceeding fifty (50) vehicles per hour during a total of any 4 hours per day should be designed to public road standards.

A Boulevard Approach may be required to improve operation and/or aesthetics of commercial approaches and some public highways, when warranted, by a combination of vehicle length and higher traffic volumes. The approach shall be designed to serve the traffic with both a right-turn and a left-turn lane, a median, and one or more entrance lanes. Boulevard approaches shall be designed in accordance with [Figure 4.5.4.1](#) and Standard Drawing H-1(m), Curbs, Gutters, Traffic Separators & Raised Channelization End Treatments.

4.5.5 Property Line Clearances

In curbed sections, there shall be a minimum property line clearance of 1.2 meters (6 feet) to accommodate approach transitions. Approaches shall be constructed so that all approach flares and any extensions of the approach remain within the applicant's property (see ITD Standard Drawing H-2-A(m), Urban Approaches & Concrete Sidewalk, and [Figure 1.5.1](#)).

In rural or uncurbed sections, property line clearances shall be equal to the approach radius. Approaches shall be constructed so that all approach radii remain within the applicant's property (see ITD Standard Drawing H-4-A(m), Rural Approaches, and [Figure 1.5.2](#)).

Approach transitions or radii may be allowed to abut the adjacent property line when required for proper utilization of the property. Joint-use approaches shall be required whenever property frontage is insufficient to include the full width of the approach, including both radii. In this case, contact should be made with the adjacent property owner (see [section 3.7, Submitting the Application](#)).

[Return](#)

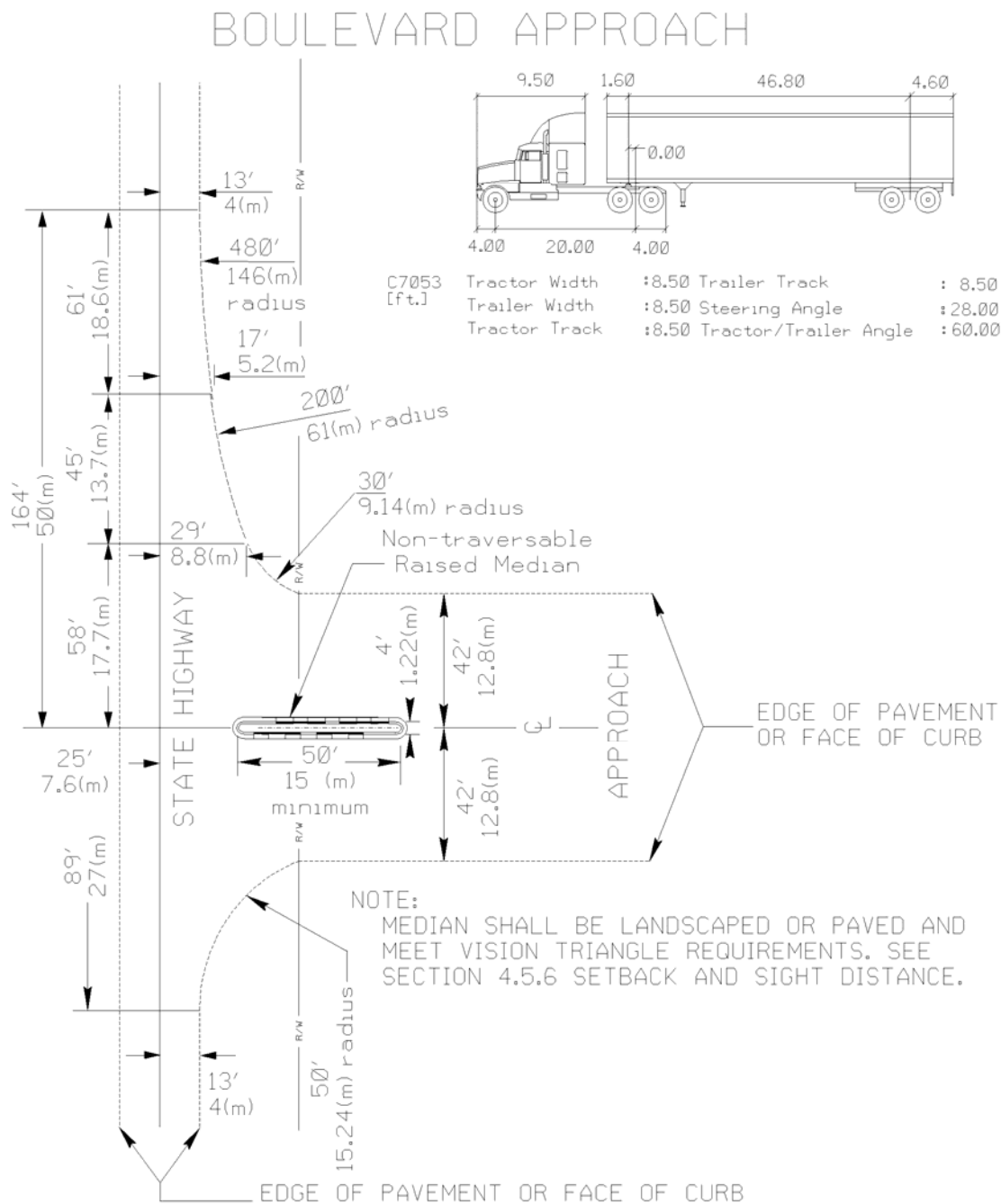


Figure 4.5.4.1

4.5.6 Setback and Sight Distance

Setback:

It is unlawful for a business located adjacent to the State highway to serve patrons with vehicles parked or standing on the highway right-of-way. Approach design should allow for adequate ingress and egress to and from the facility(ies) without obstructing or delaying vehicles within the approach or the traveled way, especially for parking lots, garages, drive-in cafes, drive-in theaters, truck terminals, etc., where a large number of vehicles enter and leave the property in a short period of time.

Improvements on private property adjacent to the State highway right-of-way to serve patrons shall be setback from the highway right-of-way line so that stopping, standing, parking, or maneuvering of vehicles on the right-of-way is not necessary. A minimum setback of 4.3 meters (14 feet) from the State highway right-of-way line is recommended, unless otherwise is established by an engineering study. When an ordinance requires a certain number of parking spaces per square footage of building, the parking spaces shall not be included within the State highway right-of-way.

Traffic movements into and out of a business shall be designed, whenever possible, to utilize existing local roads. Existing approaches along the traveled way should serve as exits only from the business onto the State highway. Entrance to the property should be made from the local road.

Approach locations should not restrict or interfere with the placement and proper functioning of traffic control signs, signals, lighting, or other devices that affect traffic operation. Poles, signs, displays, berms, landscaping, etc. that restrict the sight distance of a vehicle entering or leaving the property shall not be installed between the State highway right-of-way line and the setback line.

Sight Distance:

Approach sight distance can be affected by roadway geometry and obstacles as well as the setback of buildings, vegetation, or other fixtures located along property adjacent to the roadway. Approach sight distance will also vary according to posted speed limits, grades, and road conditions. An adequate distance shall be provided such that motorists can perceive, react, and stop for any potential conflict related to the intersection of the approach, defined as the stopping sight distance.

Table 4.5.6.1 gives approach sight distance requirements for passenger vehicles under wet pavement conditions and zero grade. These minimum sight distance requirements will require adjustments to compensate for variations in grade and road conditions. See AASHTO “A Policy on Geometric Design of Highways and Streets” for distance requirements.

TABLE 4.5.6.1

**MINIMUM STOPPING SIGHT DISTANCE
FOR PASSENGER VEHICLES ON WET PAVEMENT
AND 0% GRADE**

| Posted Speed Limit | Sight Distance Required – meters (feet) |
|--------------------|-----------------------------------------|
| 35 | 68.6 – 76.2 (225 – 250) |
| 40 | 83.8 – 99.1 (275 – 325) |
| 45 | 99.1 – 121.9 (325 – 400) |
| 50 | 121.9 – 144.8 (400 – 475) |
| 55 | 137.2 – 167.6 (450 – 550) |
| 60 | 160 – 198.1 (525 – 650) |
| 65 | 167.6 – 221 (550 – 725) |

Section 49-221 of the Idaho Code requires all property owners to remove any hedge, shrubbery, fence, wall, or other sight obstructions of any nature where they constitute a traffic hazard. Such encroachments constitute a traffic hazard at the intersection of roads with other roads, private approaches, alleys, bike or pedestrian paths, or railroad crossings when they are within the “vision triangle” of vehicle operators. (See [Figure 4.5.6.1](#))

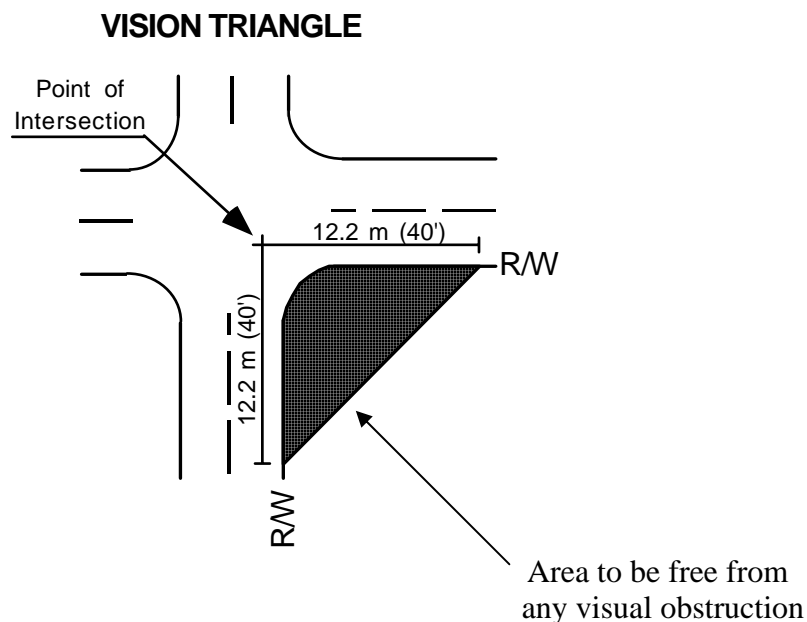


Figure 4.5.6.1

The boundaries of the “vision triangle” ([Figure 4.5.6.1](#)) are defined as follows:

- By extending perpendicular lines along the face of curb or edge of pavement from their point of intersection 12.2 meters (40 feet) in either direction; and
- By a height between 0.9 meters (3 feet) and 3 meters (10 feet) above the existing centerline highway elevation.

4.5.7 Approach Transitions and Flares

In curb and gutter sections (Urban Approaches), the transition connecting the edge of the approach to the curb shall be as specified in ITD Standard Drawing H-2-A(m), Urban Approaches & Concrete Sidewalk. Urban Approach tangent distance between any two adjoining approach flares shall meet the spacing standards specified in **Figure 4.5.4.1.** for all new approaches, but shall not be allowed to be less than five-foot (5') for any legally documented existing approach. Approaches that are located too close to one another to meet the above standards should be considered for change to joint-use.

In sections not having a curb and gutter, approach flares should connect the outside edge of the approach to the outside edge of the roadway shoulders, as specified in ITD Standard Drawing H-4-A(m). The approach flare tangent distance should not exceed 6.1 meters (20 feet) unless a larger radius is warranted by an engineering study. All new rural style approaches shall meet the spacing standards specified in **Figure 4.5.4.1.**, and at no time shall the flare of any two adjoining approaches be allowed to overlap upon each other. Existing legally documented approaches should not be allowed to overlap and should be considered for change to joint-use.

Transition and flare distances for boulevard approaches are specified in **Figure 4.5.4.1.** See also Figures **1.5.1** and **1.5.2.**

4.5.8 Approach Grades

All urban approaches shall conform to ITD Standard Drawings H-1(m), H-2-A(m), and H-2-B(m), or current Department standards.

If the maximum allowable slope is not great enough to bring the approach to the level of the sidewalk or back of curb, a depressed sidewalk should be installed, when required. If sidewalks exist, the connection between the original sidewalk and the depressed sidewalk shall be made through a transition area with a slope no steeper than one-to-twelve (1:12) from the longitudinal grade of the original sidewalk. All new curbs or sidewalks should be constructed to the line and grade of the existing curb or sidewalk with every effort to construct a sidewalk that is uniformly graded and free of dips.

On rural curbed sections, the approach grade shall conform to ITD Design Manual standards.

On rural sections without curbs, the approach grade should conform to the Approach Grade Table in ITD Standard Drawing H-4-A(m), or current Department standards.

To accommodate emergency service vehicles, the Department recommends a maximum approach grade of plus or minus ten percent ($\pm 10\%$).

4.5.9 Border Area

The border area may require grading, and/or landscaping (including seeding) when adjacent property and approaches are developed. Border area work shall insure that adequate sight distance, proper drainage, desirable slopes for maintenance operations, and a pleasing appearance are provided. The border area shall be free of encroachments and designed as needed to prevent vehicular use through the incorporation of ditching, special grading, use of concrete or bituminous curbs, fencing, guard rail, guide posts, etc. The design or devices should not impair adequate sight distance or constitute a hazard to pedestrians, bicycle, or vehicles.

The maximum slope beyond the outside edge of shoulder, back of curb, or back of sidewalk to the right-of-way line shall be as specified in ITD Standard Drawings A-2(m), A-3(m), and A-4(m), where applicable. The creation of ponds, pools, or drainage/evaporation swales within the highway right-of-way shall be prohibited.

4.5.10 Irrigation & Drainage

All approaches to the State highway shall be graded so that private properties abutting the highway right-of way do not drain onto the traveled way. Post-development drainage flows shall not exceed pre-development drainage flows. Approaches shall also be constructed so they do not impair the drainage within the State highway right-of-way, alter the stability of the roadway subgrade, or materially alter the drainage of the areas adjacent to the highway right-of-way.

No outside irrigation or drainage shall be directed to the State highway system drainage facilities (ditches, storm drains, etc.) without prior written agreement with the Department defining capacity, discharge limits, and maintenance responsibilities.

Culverts and drop inlets shall be installed where required and shall consist of the type and size specified by the Department. Where the border area is re-graded, landscaped, or reclaimed (seeded), the border area shall have sufficient slope, ditches, culverts, and drop inlets for adequate drainage. Slopes, where practical, should be a one-to-six (1:6) maximum.

For design details see Standard Drawing D-13(m), Culvert & Conduit Installation for Existing Roadways, E-6-A(m), Inlets & Catch Basins Types 1, 2, & 3, H-2-A(m), Urban Approaches & Concrete Sidewalk, H-2-B(m), Urban Approaches with Handicapped/Bicycle Type A5 & A6, and H-4-A(m), Rural Approaches.

4.5.11 Base and Surfacing

In curb and gutter areas, approaches shall be paved to the State highway right-of-way line. Refer to ITD Standard Drawings H-2-A(m) and H-2-B(m), or current Department standards.

All rural private, commercial, and public approaches shall be paved to the State highway right-of-way line or to the back of the approach radius. Farmyard and field gravel approaches that are occasionally used shall be paved a minimum of 1.5 meters (5 feet) from the edge of pavement. Approaches on existing unpaved State highways are exempt.

On all approaches, it shall be the responsibility of the permittee to supply, place, and properly compact the approach fill and base material. All base and surfacing materials and compaction requirements shall be as specified in the special provisions of the approved permit and the ITD Standard Specifications for Highway Construction.

All right-of-way encroachment permits for approaches on the State Highway System shall include special provisions for construction requirements, as applicable.

V. Utilities & Other Encroachments: Location and Design Standards

5.1 Utilities

“A Policy for the Accommodation of Utilities Within the Right-of-Way of the State Highway System in the State of Idaho” and the provisions contained herein specify the requirements for the accommodation of utilities, with the exception of fiber optic telecommunications cable which shall be addressed in the 1996 Telecommunications Act and in an fiber optic telecommunications cable agreement between a utility and the Department. Both documents apply to all new utility installations and to existing utility facilities to be retained, relocated, adjusted, maintained, or removed on all State highway rights-of-way under the jurisdiction of the Department.

Whenever a utility involves a structure attachment, the ITD District office shall submit the utility company's proposal, detailed shop drawings stamped by an Engineer licensed in the State of Idaho, and the application to the ITD Bridge Engineer for review and approval. The number of conduits, size, installed weight per meter (foot) fastening system, and the construction procedures used to perform the work shall be shown on the detailed drawings. Utility application requirements are further detailed in [section 3.11](#).

The approval of aerial drops for any type of utility work shall include the requirement for standby emergency traffic control.

Conduits crossing under the State highways, that carry water, sewage, chemicals, electrical wire, communications cables, etc., shall be installed by jacking, driving or boring unless trenching can be justified. Acceptable justification includes poor soil conditions such as rock or boulders, inadequate room for a boring pit, or conflicts with other utility lines that cannot be accurately located. If gravel or boulders prevent boring or jacking on the first attempt, as least two other documented attempts should be made at different locations before contacting the District about an alternate installation method, unless the utility can provide documentation from a qualified agency or engineer that indicates the strata is not conducive to boring, driving, or jacking. Normally, installation of conduit that is 0.6 meters (24 inches) or less outside diameter should be attempted by jacking, driving, or boring before the consideration of trenching as an alternative.

Whenever possible, casings (especially for water and sewer) shall be installed to allow for the placement of multiple conduits. Trenching, when permitted, shall be according to ITD Standard Drawing D-12(m), Conduit Installation, and D-13(m), Culvert and Conduit Installation for Existing Roadways, or an alternate approved method. Conduits under interstate highways shall not be installed by trenching under any circumstance.

The applicant is required to submit for approval a set of construction plans stamped by an engineer licensed in the State of Idaho. The plans shall show all details on casing, conduits, bulkheads and placement, vertical and horizontal dimensions of the pit and shoring, method of installing the conduit, drainage, void filling, and traffic control devices. Sluicing or jetting shall not be allowed. Unless otherwise permitted, casings should be installed from the State highway right-of-way line to the State highway right-of-way line to allow for servicing with minimal disruption to traffic flows.

All permits to encroach within State highway rights-of-way for underground utility installations or removals shall include special provisions for pipe jacking, trenching, and/or reclamation (seeding), as applicable.

Conduits that are attached to any structure shall meet the following requirements:

- A set of construction plans showing all details and calculations of a crossing or proposed attachments, stamped by an engineer licensed in the State of Idaho, shall be submitted for review and approval at the time of permit application. A copy of the existing structure plans shall be marked to show the proposed structure modifications. Plans of existing structures can be obtained for the ITD Bridge section.
- Reinforcement shall be located prior to the placement of threaded inserts to suspend utilities using a method approved by the Materials section.
- All attaching hardware shall be galvanized or coated as directed by the Bridge Engineer.
- Bolts for the attachment clamps shall be a minimum of 12.7 mm (1/2") in diameter.
- Slip joints shall be installed as directed by the Bridge Engineer.
- Drilling of any bridge structural element shall be prohibited without approval from the Bridge Engineer.
- Utilities shall be attached to bridges in an interior bay, unless interior attachment is not practical due to the bridge diaphragm or end beam construction.
- Placing brackets along or around the structure rail is prohibited.
- The installing utility shall relinquish exclusive rights to future use of a hanger system, once installed. However, the responsibility for required maintenance shall remain with the installing utility until the hanger system is placed into a joint-use system. At that time, the responsibility for maintenance shall become a shared responsibility.

- A set of “as-built” plans for all conduit or utility crossings and structure attachments shall be submitted to the Department and the local utility locating service with all details of construction within **thirty (30) days** of the work completion. All “as-built” plans are required to be stamped by an Engineer licensed in the State of Idaho.

5.2 Landscaping, Farming, & Associated Irrigation

The District may issue permits to encroach within State highway rights-of-way for landscaping, farming, and associated irrigation. Repair of landscaping in the State highway right-of-way shall be the responsibility of the permittee, and the Department will not be responsible for, or participate in, any repair or maintenance costs. All requests for landscaping, farming, and irrigation shall require a review of current access control records for restrictive covenants. Applications may be approved provided that the following conditions are met:

- Landscaping, farming, and irrigation systems shall maintain the structural integrity of the State highway right-of-way. No undercutting of the present highway fill and ballast section or construction of unprotected bare soil cuts for access from the State highway shall be allowed.
- Unless otherwise specified, the degree of landscaping will be limited to what is necessary to insure that the appearance of the State highway right-of-way is compatible with the appearance of the surrounding area and shall not interfere with public safety and overall maintenance operations.
- Landscaping, farming, and irrigation systems shall not disturb, obstruct, or add to the normal drainage patterns of the State highway right-of-way. No new ditches shall be constructed without prior approval.
- Landscaping, farming, and irrigation systems shall not interfere with utility installations, removals, or operations.
- Provisions shall be established for the responsibility of future maintenance.
- Only planting of forage plants, grasses, flowers, and shrubs with a mature height not to exceed 0.9 meters (3 feet) will be allowed within the clear zone of the State highway right-of-way. Type and size of grasses, flowers, and shrubs will be determined by the ITD Roadside Manager.
- No trees shall be allowed within the clear zone of the State highway right-of-way.
- No rocks over 100 mm (4 inches) maximum size will be allowed within 9 meter (30 feet) of the edge of the paved roadway.

- Irrigation systems shall be no closer than 1.5 meters (5 feet) from the pavement edge and shall be adjusted so as not to cause water to cover any portion of the highway pavement.
- No grading, excavation, or other ground disturbing activities will be performed during rainy periods. If work cannot be avoided during rainy periods, the permittee will install check dams or other approved device(s) or structure(s) in drainage channels and/or provide a sediment retention basin to avoid discharging sediment containing runoff into the drainage system, or any wetlands, or water bodies (streams, rivers, lakes and ponds). No work shall be performed in or adjacent to any wetland or water body without providing the Department with copies of the appropriate permits from the Army Corps of Engineers, Idaho Department of Water Resources, and/or the Idaho Division of Environmental Quality.
- All work within the State highway right-of-way shall be required to return the right-of-way to either its original condition or to the requirements of the encroachment permit as approved by the Department.
- Appropriate Best Management Practices to temporarily control erosion and resulting sediment shall be used. Typical soil surface protection practices include erosion control blankets, taced mulches of straw, wood fiber, paper fiber, soil amendments, or rock mulch. Typical sediment control practices may include silt fences, fiber wattles, rock check dams, sediment basins/ponds, inlet culvert risers, and inlet rock filters. For further information on Best Management Practices, contact an ITD District Environmental Planner.
- Travel lanes shall be kept reasonably free of dirt, rocks and other debris resulting from construction or maintenance of landscaping, farming, or irrigation.

In addition, all requests for landscaping, farming, and irrigation on shall require a review of current access control records for restrictive covenants.

Repair of landscaping in the State highway right-of-way shall be the responsibility of the permittee. The Department will not be responsible for, or participate in, any repair or maintenance costs.

5.3 Recreational Parking & Park-and-Ride Lots

Parking areas shall be designed to safely accommodate an adequate number of parking spaces (as determined by the Department). Access points shall be located so that adequate sight distance is maintained for the safety of approaching traffic and so that minimal interference with the normal flow of traffic on the traveled way results. (See [section 4.5.6, Setback and Sight Distance](#).) Approaches shall be constructed in accordance with

Department standards. Installation of fencing and delineation should be considered to restrict ingress and egress locations and widths. Unrestricted drainage shall be provided and shall comply with the restrictions discussed in [section 4.5.10, Irrigation & Drainage](#).

Construction and maintenance of parking areas, including snow removal shall be the responsibility of the individual(s), private organizational group(s), or the public agency that has been given jurisdiction of the facility.

The permittee shall comply with all applicable sections of this manual, including but not limited to all location and design standards.

5.4 Mailbox & School Bus Turnouts

Mailbox turnouts in rural areas may be combined with an adjacent approach or may be independent of the approach. For safety reasons, the mail carrier should be able to stop out of the traveled way whenever possible. The applicant should be required to construct a mailbox turnout at the same time a mailbox is installed.

Mailbox turnouts shall be constructed in accordance with the Turnout Width Table in ITD Standard Drawing H-4-B(m). Mailbox supports shall conform to ITD Standard Drawings H-5-A(m), H-5-B(m) and H-5-C(m). The box-to-post attachments shall resist separation when struck by a vehicle. No massive metal, concrete, stone or other hazardous supports shall be allowed. Owners of mailboxes that do not meet minimum installation requirements shall be notified that correction is required (see [section 3.18](#)).

School bus turnouts shall be constructed with sufficient length and width to accommodate bus length and turning maneuvers (as determined by the Department). Turnouts shall be located so adequate sight distance is maintained for the safety of approaching traffic and so that minimal interference with the normal flow of traffic on the traveled way results. (See [section 4.5.6, Setback and Sight Distance](#).) All permitted school bus turnouts shall include approved advance warning signs installed at Department expense.

An area for school buses to make a complete turn around may be constructed using a roadway parallel to the highway that connects to the State Highway System through the use of two approaches allowed at the Department's spacing standard. This method for buses to reverse direction in areas where other means are not available is preferable to allowing the bus to make a U-turn maneuver on the state highway.

VI. Additional Encroachment Requirements

6.1 Traffic Control

It is the permittee's responsibility to provide for safe, efficient passage, and protection of vehicles, pedestrians, bicycles, and workers during any permitted work within the State highway right-of-way. The permittee shall submit for Department approval a traffic control plan for the installation, modification, maintenance, relocation, or removal of any State highway right-of-way encroachment.

If work does not begin immediately, the permittee shall notify the District five (5) working days prior to commencing any permitted work.

The movement of through traffic shall be inhibited as little as possible. The permittee shall be required to meet the minimum requirements of the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD), including all exceptions. All flaggers working on the State Highway System shall be certified in or recognized by the State of Idaho. They shall carry on their person a current flagger identification card and a photo identification card that is recognized by the State of Idaho. All traffic control devices used on the State Highway System shall comply with current FHWA crash criteria. During the progress of the work, all barricades, signs, and other traffic control devices shall be erected and maintained by the permittee.

When required, a striping plan for the placement of temporary and permanent pavement markings shall accompany the approved right-of-way encroachment permit. Materials, placement, and removal of all pavement markings shall conform to current Department specifications and standards.

6.2 Maintenance

Maintenance of roadway approaches shall be as follows, unless otherwise provided:

| | |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Paved public approach | The Idaho Transportation Department maintains the roadway to the State highway right-of-way line. |
| Paved private approach | The Idaho Transportation Department maintains the approach to the end of the Department-approved radii; permittee maintains beyond the radii. |
| Gravel public approach | The Idaho Transportation Department maintains the approach to the State highway right-of-way line. |

| | |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Gravel private approach | The permittee maintains the approach beyond the wedge. |
| Gravel turnouts | The Idaho Transportation Department maintains turnouts, other than mailbox turnouts, to the State highway right-of-way line. The permittee maintains mailbox turnouts. |

Maintenance of all other encroachments shall be the responsibility of the permittee.

6.3 Survey

The permittee shall be responsible for all costs incurred for surveying of real property and locations of points of access, easements, or miscellaneous encroachments when placed within the state highway right-of-way, unless otherwise addressed by the Department.

If a permanent boundary survey marker is disturbed during the performance of work associated with an approved encroachment permit, the permittee shall be held responsible for obtaining the services of a professional land surveyor licensed in the state of Idaho to replace the permanent boundary survey marker to its proper location as determined by the Department. The permittee shall be held responsible for any and all costs associated with repairing, replacing, or relocating the permanent boundary survey marker. This shall include but not be limited to compensation based on actual cost to the Department for any and all costs incurred by the Department in having the permanent boundary marker repaired, replaced or relocated. In addition the permittee may be held liable under Idaho Code 54-1234. MONUMENTATION – PENALTY AND LIABILITY FOR DEFACING

Appendix A:

References

| | |
|--------------------------------------------|---------------------------------------------------------------------------------------------|
| Administrative Policy A-09-02 | Urban Limits and Functional Classification Systems |
| Administrative Policy A-12-01 (8/17/2001) | Right-of-Way Use Permits |
| Administrative Policy A-12-02 (5/4/1995) | Special Events on State Highways |
| Administrative Policy A-12-04 (1/3/1995) | Traffic Control During Construction, Maintenance, Utility or Private Development Operations |
| Administrative Policy A-12-05 (10/20/1994) | Construction of Turn Lanes |
| Administrative Policy A-12-15 (10/7/1991) | Highway Access Control |
| Administrative Policy A-14-07 | Landscaping |
| Board Policy B-09-02 | Urban Limits and Functional Classified Highway Systems |
| Board Policy B-12-01 (8/17/2001) | Right-of-Way Use Permits |
| Board Policy B-12-06 (3/19/1998) | Transportation Impact Studies |
| Board Policy B-12-15 (8/20/1981) | Highway Access Control |
| Board Policy B-14-07 | Landscaping |
| Idaho Administrative Rule 39.03.42 | Rules Governing Use of State Right-of-Way |
| Idaho Administrative Rule 39.03.43 | Rules Governing Utilities on State Right-of-Way |
| Idaho Administrative Rule 39.03.50 | Safety Rest Areas |
| Idaho Administrative Rule 39.03.63 | Traffic Accident Memorials |

Idaho Code 40-310 ((9), 40-311(1), 40-604(5), 49-202(23))

Federal Code 23 CFR 620

Federal Highway Administration (FHWA): *Manual on Uniform Traffic Control Devices*

American Association of State Highway and Transportation Officials (AASHTO): *A Policy on Geometric Design of Highways and Streets*

ITD Documents: Board Policies, Administrative Policies, Traffic Manual, Right-of-Way Manual, Construction Manual, Design Manual, Standard Specifications for Highway Construction, Standard Drawings

Appendix B: Forms

ITD-2109 Right-of-Way Encroachment Application and Permit – Approaches and Other Encroachments

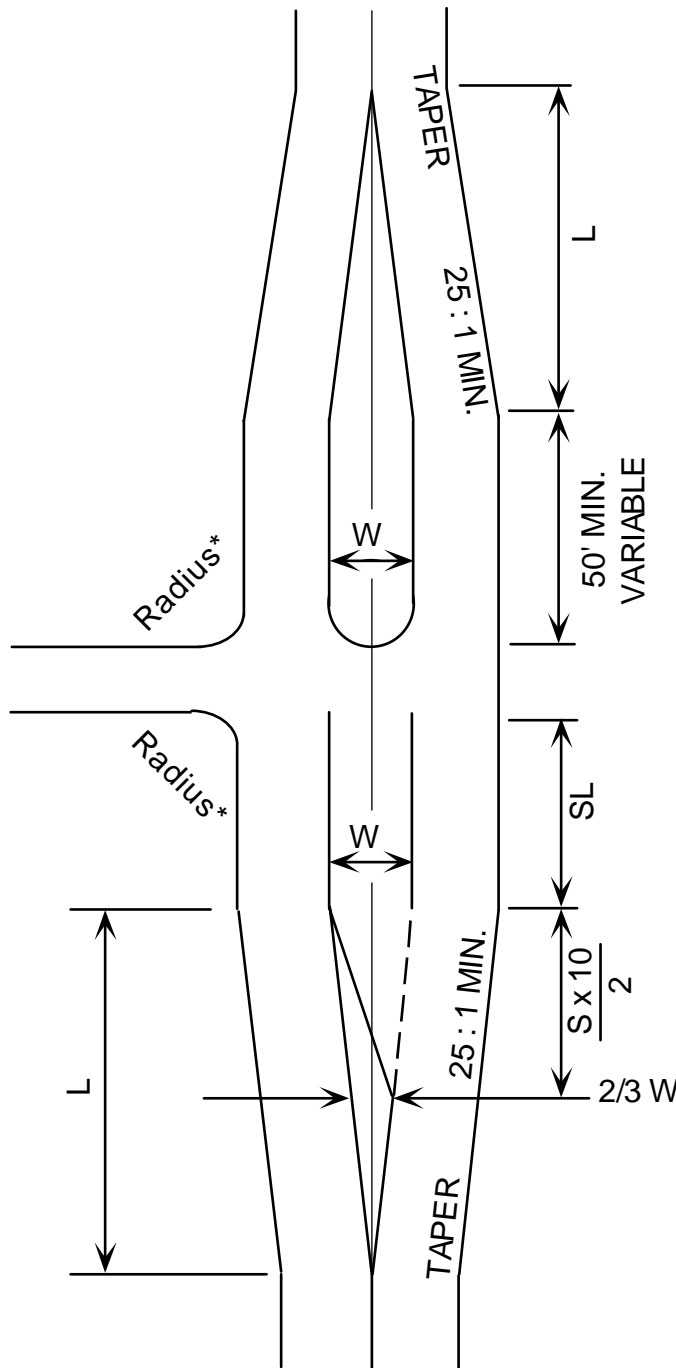
ITD-2110 Right-of-Way Encroachment Application and Permit – Utilities

DH-776 Notice

----- Right-of-Way Access Permit Log Sheet

Appendix C:

Auxiliary Lane Figures



UNSIGNALIZED

$$SL = \frac{5V}{6}, 50' \text{ min.}$$

SIGNALIZED

$$SL = \frac{50V}{N}, 50' \text{ min.}$$

SL = Storage Length in feet

S = 85th percentile speed (mph)

W = Offset in feet ($W_2 - W_1$)

V = Estimated left-turn volume during design peak hour in vehicles per hour

N = Number of signal cycles per hour in design peak hour

LENGTH OF TRANSITION (TAPER LENGTH)

POSTED

SPEED

TAPER

≥ 45 mph

$L = SW$

≤ 40 mph

$L = \frac{WS^2}{60}$

L = Length in feet

S = 85th percentile speed (mph)

W = Offset in feet ($W_2 - W_1$)

NOTE:

This typical plan may have to be modified to meet site specific requirements for safety and operation.

* Minimum 20 ft. radius required for car traffic.

* Minimum 40 ft. radius required for truck traffic.

Left Auxiliary Lane

UNSIGNALIZED

$$SL = \frac{5V}{6}, 50' \text{ min.}$$

SIGNALIZED

$$SL = \frac{50V}{N}, 50' \text{ min.}$$

SL = Storage Length in feet

V = Estimated Right-turn volume during design peak hour in vehicles per hour

N = Number of signal cycles per hour in design peak hour

LENGTH OF TRANSITION (TAPER LENGTH)

POSTED

| SPEED | TAPER |
|-------|-------|
|-------|-------|

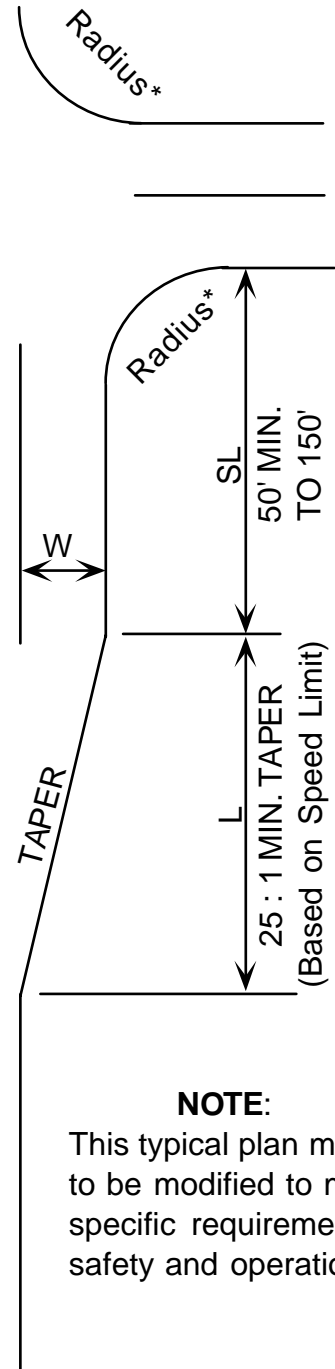
$$\geq 45 \text{ mph} \quad L = SW$$

$$\leq 40 \text{ mph} \quad L = \frac{WS^2}{60}$$

L = Length in feet

S = 85th percentile speed (mph)

W = Offset in feet ($W_2 - W_1$)



NOTE:

This typical plan may have to be modified to meet site specific requirements for safety and operation.

* Minimum 20' radius required for car traffic.

* Minimum 40' radius required for truck traffic.

[RETURN](#)

Right Auxiliary Lane